SENATE

TUESDAY, JUNE 4, 1935

(Legislative day of Monday, May 13, 1935)

The Senate met at 12 o'clock meridian, at the expiration of the recess, and the President pro tempore assumed the chair.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, June 3, 1935, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	La Follette	Radcliffe
Ashurst	Copeland	Lewis	Reynolds
Austin	Costigan	Logan	Robinson
Bachman	Couzens	Lonergan	Russell
Bailey	Dickinson	McAdoo	Schall
Bankhead	Dieterich	McCarran	Schwellenbach
Barbour	Donahey	McGill	Sheppard
Barkley	Duffy	McKellar	Shipstead
Black	Fletcher	McNary	Smith
Bone	Frazier	Maloney	Steiwer
Borah	George	Metcalf	Thomas, Okla.
Brown	Gerry	Minton	Thomas, Utah
Bulkley	Gibson	Moore	Townsend
Bulow	Glass	Murphy	Trammell
Burke	Guffey	Murray	Truman
Byrd	Hale	Neely	Tydings
Byrnes	Harrison	Norbeck	Vandenberg
Capper	Hastings	Norris	Van Nuys
Caraway	Hatch	Nye	Wagner
Carey	Hayden	O'Mahoney	Walsh
Chavez	Johnson	Overton	Wheeler
Clark	Keyes	Pittman	White
Connally	King	Pope	

Mr. LEWIS. I announce that the Senator from Louisiana [Mr. LONG], the Senator from Mississippi [Mr. BILBO], and the Senator from Oklahoma [Mr. GORE] are unavoidably detained from the Senate. I request that this announcement may stand for the day.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. DAVIS] is absent because of illness.

The PRESIDENT pro tempore. Ninety-one Senators have answered to their names. A quorum is present.

REGULATION OF PUBLIC-UTILITY HOLDING COMPANIES—PRINTING OF CHARTS IN RECORD

Mr. DIETERICH obtained the floor.

Mr. NORRIS. Mr. President, will the Senator from Illinois yield to me, in order that I may make a brief statement about yesterday's RECORD?

Mr. DIETERICH. I yield.

Mr. NORRIS. Mr. President, yesterday I consumed most of the time of the Senate delivering an address on the subject of the pending legislation having to do with holding companies. During the course of that speech I asked to have printed in the RECORD 15 or 16 charts and obtained unanimous consent to have them printed. I find on looking at the RECORD this morning that not a single one of those charts is included in the RECORD, but a statement is made in the RECORD that the charts will appear hereafter in the Appendix.

I had supposed that these charts were all ready, or I should not have delivered the speech which I delivered yesterday. I recognize that the absence of those charts completely nullifies any effect that I could hope to obtain from my address of yesterday. I care nothing about the permanent RECORD because it is this bill that I want to affect, and I realize, that without the charts, what I said makes my address almost meaningless and nullifies it, and that the printing of the charts hereafter without the explanation which I made will make them practically useless as an argument in favor of the pending bill.

With a view to having them printed with my speech the charts had been given to the proper committee more than a week before I delivered the address. I supposed they were in form and ready to be printed in the RECORD. I have copies on my desk now, and had yesterday, of a number of the charts from the Government Printing Office. I have here [indicating] a chart, no. 8, reduced from the chart which hangs on the wall. I have other similar charts here all ready to go in the RECORD, and I supposed they would be printed in the RECORD.

The only thing I have in view is the passage of the pending legislation; and I realize that when the proposed legislation shall have been disposed of the publishing of the charts cannot have any effect and that nothing that I said can have very much, if any, effect without the charts which I was explaining. I just wanted to take this occasion to make this statement.

Mr. BARKLEY. Mr. President, will the Senator from Illinois yield further?

Mr. DIETERICH. I yield.

Mr. BARKLEY. It occurs to me that, in view of the statement of the Senator from Nebraska, it is not out of place to ask unanimous consent that the Senator's address of yesterday be reproduced in the RECORD at this point, and that the charts be printed at the proper places in the RECORD.

Mr. NORRIS. I am told that that cannot now be done; that the Government Printing Office is not ready with them. I do not know who is to blame. I do not blame the committee; I think they did what they could; and I understood from the committee that everything was arranged, and, as a result of telephoning to various members of the committee, I thought that everything would be all right this morning.

Mr. TYDINGS. Mr. President, will the Senator from Illinois yield to me?

Mr. DIETERICH. I yield.

Mr. TYDINGS. I wonder if it would help, in a measure, to correct the injustice which has been done to the Senator from Nebraska if the permanent RECORD should be corrected, so that the charts would there appear at the proper places in the Senator's address?

Mr. NORRIS. I am told that that will be done, but that will be after the pending legislation shall have been disposed of.

Mr. TYDINGS. I understand.

Mr. NORRIS. If I was caring for publicity or something of that kind, that would be all right in a year from now, but the pending bill will be disposed of in a few weeks, and it was for the effect on this proposed legislation that I wanted to address the Senate and to have the charts printed, and I hoped that my remarks might contribute something in its favor.

Mr. BARKLEY. Mr. President, how soon will the Printing Office be ready with the charts?

Mr. NORRIS. I do not know.

Mr. HARRISON. Mr. President, will the Senator yield for a question?

Mr. NORRIS. I do not have the floor; I am speaking only by the kindness of the Senator from Illinois [Mr. DIETERICH], but I yield, if I may.

Mr. HARRISON. Will the Senator from Illinois yield that I may ask the Senator from Nebraska a question?

Mr. DIETERICH. I yield.

Mr. HARRISON. Mr. President, I recall that the Senate adopted some kind of an order that before any charts could be in the RECORD the approval of the Joint Committee on Printing had to be obtained. Did I understand the Senator to say that he had obtained the approval of the committee?

Mr. NORRIS. I understood I had; I had no doubt about it; and, in carrying out the demands of the committee, I submitted the charts to it a week ago. I did not know then when the speech was going to be delivered, but I had expected to deliver it before yesterday; and I cannot understand what is the matter with the Government Printing Office, in view of the fact that I had the printed charts here on my desk.

Mr. HARRISON. Did the Senator inquire of the Government Printing Office why the charts were not published?

Mr. NORRIS. No; I did not. I talked over the telephone last night with nearly everyone who could have anything to

do with the matter and supposed everything was arranged. I talked with the official reporters; I talked with two members of the committee; I talked with the committee clerk who has charge of such matters, and who has had charge of them for many years.

Mr. HARRISON. I should like to observe that, of course, the charts should be included in the remarks of the Senator. I feel quite sure there would be no objection on the part of anyone to having the speech of the distinguished Senator reprinted in the RECORD with the charts as soon as the Government Printing Office states they can be printed. I merely offer that suggestion to the Senator from Nebraska. Some one of us would be glad to submit the request.

(By order of the Joint Committee on Printing Mr. NORRIS' speech was reprinted, charts included, on pp. 8491–8532.)

WASHINGTON-LINCOLN MEMORIAL GETTYSBURG COMMISSION

The PRESIDENT pro tempore. In accordance with the provisions of Public Resolution No. 19 (S. J. Res. 43), approved May 20, 1935, the Chair appoints the Senator from Maryland [Mr. TYDINGS], and the Senator from Pennsylvania [Mr. GUFFEY] as members, on the part of the Senate, of the Washington-Lincoln Memorial Gettysburg Boulevard Commission.

REPORT OF RECONSTRUCTION FINANCE CORPORATION

The PRESIDENT pro tempore laid before the Senate a letter, signed by the Chairman and Secretary of the Reconstruction Finance Corporation, submitting, pursuant to law, a report covering the operations of the Corporation for the first quarter of 1935, and for the period from its organization on February 2, 1932, to March 31, 1935, inclusive, which, with the accompanying papers, was referred to the Committee on Banking and Currency.

AMENDMENT OF SECTION 1383 OF REVISED STATUTES

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1212) to amend section 1383 of the Revised Statutes of the United States, which was to strike out all after the enacting clause and insert:

That section 1383 of the Revised Statutes of the United States is hereby amended by striking out the period at the end of the section, inserting in lieu thereof a colon, and by adding the following: "*Provided*, That such requirement may, in the discretion of the Secretary of the Navy, be waived in the case of such officers who are not accountable for public funds or public property."

Mr. TRAMMELL. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

KENNESAW MOUNTAIN MEMORIAL PARK

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 59) to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHEPPARD. I move that the Senate insist upon its amendment, accede to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. SHEPPARD, Mr. FLETCHER, and Mr. CAREY conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 1469. An act to transfer certain lands from the Veterans' Administration to the Department of the Interior for the benefit of Yavapai Indians, Arizona;

S. 1513. An act to add certain lands to the Siskiyou National Forest in the State of Oregon;

S. 1539. An act relating to undelivered parcels of the first class;

S. 1712. An act to amend section 4878 of the United States Revised Statutes, as amended, relating to burials in national cemeteries;

S. 1942. An act to repeal the act entitled "An act to grant to the State of New York and the Seneca Nation of Indians jurisdiction over the taking of fish and game within the Allegany, Cattaraugus, and Oil Spring Indian Reservations", approved January 5, 1927;

S. 2505. An act authorizing a preliminary examination of Sebewaing River, in Huron County, Mich., with a view to the controlling of floods;

S. 2530. An act to protect American and Philippine labor and to preserve an essential industry, and for other purposes; and

S. J. Res. 130. Joint resolution making immediately available the appropriation for the fiscal year 1936 for the construction, repair, and maintenance of Indian-reservation roads.

The message also announced that the House had passed the bill (S. 462) to authorize an extension of exchange authority and addition of public lands to the Willamette National Forest, in the State of Oregon, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the concurrent resolution (S. Con. Res. 16), as follows:

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States, respectively, in signing the enrolled bill (S. 2105) to provide for an additional number of cadets at the United States Military Academy, and for other purposes, be, and the same is hereby, rescinded; and that the House of Representatives be, and it is hereby, requested to return to the Senate the message announcing its agreement to the amendments of the House to the said bill.

The message also returned to the Senate, pursuant to the terms of Senate Concurrent Resolution 16, the message of the Senate announcing its agreement to the amendments of the House to the bill (S. 2105) to provide for an additional number of cadets at the United States Military Academy, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1414. An act to provide for the appointment of an additional district judge for the eastern district of Virginia;

H. R. 1993. An act giving superintendents at classified post-office stations credit for substitutes serving under them;

H. R. 2024. An act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899;

H. R. 3979. An act to safeguard the estates of veterans derived from payments of pension, compensation, emergency officers' retirement pay, and insurance, and for other purposes;

H. R. 4123. An act providing for the payment of $15 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota from the timber funds standing to their credit in the Treasury of the United States;

H. R. 4324. An act to carry out certain obligations under certain tribal agreements;

H. R. 4707. An act validating certain applications for and entries of public lands, and for other purposes;

H. R. 5596. An act granting equipment allowance to third-class postmasters;

H. R. 5723. An act to give certain railway postal clerks the same time credits for promotion purposes as were given others who were promoted on July 1 when automatic promotions were restored;

H. R. 5774. An act to authorize a preliminary examination of Rogue River and its tributaries in the State of Oregon with a view to the control of its floods;

H. R. 5775. An act to authorize a preliminary examination of Siuslaw River and its tributaries in the State of Oregon with a view to the control of its floods;

H. R. 5776. An act to authorize a preliminary examination of Yaquina River and its tributaries in the State of Oregon with a view to the control of its floods;

H. R. 5777. An act to authorize a preliminary examination of Siletz River and its tributaries in the State of Oregon with a view to the control of its floods;

H. R. 6465. An act to accept the cession by the State of Arkansas of jurisdiction over all lands now or hereafter included within the Hot Springs National Park, Ark., and for other purposes;

H. R. 6544. An act to conserve the water resources and to encourage reforestation of the watersheds of Santa Barbara County, Calif., by the withdrawal of certain public land, included within the Santa Barbara National Forest, Calif., from location and entry under the mining laws;

H. R. 6616. An act to authorize the Secretary of the Interior to accept from the State of Utah title to a certain State-owned section of land and to patent other land to the State in lieu thereof, and for other purposes;

H. R. 6717. An act to amend section 1 of the act of July 8, 1932;

H. R. 6719. An act to amend the Canal Zone Code;

H. R. 6734. An act to create a National Park Trust Fund Board, and for other purposes;

H. R. 6772. An act to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes;

H. R. 6990. An act to fix the hours of duty of postal employees, and for other purposes;

H. R. 7025. An act authorizing the Secretary of the Interior to furnish transportation to persons in the service of the United States in the Virgin Islands, and for other purposes;

H. R. 7083. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.;

H. R. 7220. An act to provide for the use of the U. S. S. *Olympia* as a memorial to the men and women who served the United States in the War with Spain;

H. R. 7235. An act to amend the act entitled "An act to make provision for suitable quarters for certain Government services at El Paso, Tex., and for other purposes";

H. R. 7313. An act authorizing a preliminary examination of Gafford Creek, Ark.;

H. R. 7314. An act authorizing a preliminary examination of Point Remove Creek, Ark., a tributary of the Arkansas River;

H. R. 7380. An act authorizing the Virgin Islands Co. to settle valid claims of its creditors, and for other purposes;

H. R. 7451. An act authorizing the erection of a memorial to Brig. Gen. Casimir Pulaski at Savannah, Ga.;

H. R. 7600. An act authorizing a preliminary examination of the Tanana River and Chena Slough, Alaska;

H. R. 7680. An act to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers;

H. R. 7688. An act to provide for the appointment and promotion of substitute postal employees, and for other purposes;

H. R. 7709. An act to provide time credits for substitute laborers in the Post Office when appointed as regular laborer; and

H. R. 7731. An act to provide for the erection of a statue of Abraham Lincoln in the Gettysburg National Cemetery.

Mr. DIETERICH yielded for the transaction of routine business, as follows:

ADDITIONAL CADETS AT MILITARY ACADEMY

Mr. SHEPPARD. I move to reconsider the action of the Senate in concurring in the amendments of the House to the bill (S. 2105) to provide for an additional number of cadets at the United States Military Academy, and for other purposes.

The motion was agreed to.

Mr. SHEPPARD. I now withdraw the motion to agree to the House amendments, and move that the Senate insist upon its amendments to the bill, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SHEPPARD, Mr. FLETCHER, and Mr. CAREY conferees on the part of the Senate.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate petitions of several citizens of the United States, praying for the enactment of old-age-pension legislation, which were ordered to lie on the table.

He also laid before the Senate a letter from Mrs. Carrie Gorke, of Independence, Oreg., relative to the bill (S. 2796) to provide for the control and elimination of public-utility holding companies operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes, which was ordered to lie on the table.

Mr. COPELAND presented a resolution adopted by the New York Board of Trade, protesting against the enactment of House bill 5357, known as the "Banking Act of 1935", which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the Committee Pro-Puerto Rican Economical and Political Legislation, of New York City, N. Y., favoring the enactment of legislation granting social and economic relief to the island of Puerto Rico, which was referred to the Committee on Territories and Insular Affairs.

Mr. WALSH presented resolutions adopted by Beverly Lodge, No. 1254, Loyal Order of Moose, of Beverly, Mass., protesting against the imposition of the cotton-processing tax, and favoring the purchasing of only American-made goods, which were referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by Mollie Pitcher Council No. 10, Sons and Daughters of Liberty, of Natick, Mass., protesting against the enactment of House bill 6795, known as the "Kerr bill", pertaining to the deportation of aliens, which was referred to the Committee on Immigration.

He also presented a resolution adopted by the Young Democrats, of Boston, Mass., favoring the adoption of a constitutional amendment giving to Congress the power to regulate the wages, hours, and condition of employment of all persons engaged in industry, which was referred to the Committee on the Judiciary.

He also presented a petition of several citizens of Methuen, Mass., praying for the enactment of old-age-pension legislation, which was ordered to lie on the table.

He also presented a resolution adopted by a meeting of the Bookbinders Joint Conference Board, of Boston and vicinity, in the State of Massachusetts, favoring the enactment of the so-called "Wagner labor-disputes bill" and the "Black-Connery 30-hour work-week bill", which was ordered to lie on the table.

Mr. COOLIDGE presented petitions of members of North Union Lodge No. 74, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, of Boston, and sundry citizens, all in the State of Massachusetts, praying for the enactment of pending legislation extending the effective period of the Emergency Transportation Act, which were ordered to lie on the table.

He also presented the petition of members of Local Union No. 1841, United Textile Workers of America, of Worcester, Mass., praying for the enactment of legislation extending the National Industrial Recovery Act, and also the enactment of the so-called "Wagner labor-disputes bill", which was ordered to lie on the table.

He also presented a petition of sundry citizens of Boston and vicinity, in the State of Massachusetts, praying for the prompt enactment, of old-age-pension legislation, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Worcester, Mass., praying for a rehearing by the Supreme Court of the United States of the so-called "Railroad Retirement Act case", which was ordered to lie on the table.

Mr. JOHNSON presented a joint resolution of the Legislature of the State of California, memorializing Congress to enact Senate bill 1952, to protect unclassified postal employees and to extend to them a civil-service status, which was referred to the Committee on Post Offices and Post Roads.

(See joint resolution printed in full when laid before the Senate by the Vice President on the 3d instant, p. 8484, CONGRESSIONAL RECORD.)

Mr. JOHNSON also presented a joint resolution of the Legislature of the State of California, memorializing Congress to enact House bill 4683, to aid in the rehabilitation of employable blind persons in the United States, which was referred to the Committee on Education and Labor.

(See joint resolution printed in full when laid before the Senate by the Vice President on the 3d instant, pp. 8483–8484, CONGRESSIONAL RECORD.)

Mr. JOHNSON also presented a joint resolution of the Legislature of the State of California, memorializing Congress to enact House bill 5359, providing for the creation of a National Civil Academy, which was referred to the Committee on Education and Labor.

(See joint resolution printed in full when laid before the Senate by the Vice President on the 3d instant, p. 8484, CONGRESSIONAL RECORD.)

Mr. JOHNSON also presented a joint resolution of the Legislature of the State of California, memorializing Congress to enact legislation for the employment of jobless citizens in the mining of chromium and tin deposits, which was referred to the Committee on Mines and Mining.

(See joint resolution printed in full when laid before the Senate by the Vice President on the 3d instant, p. 8484, CONGRESSIONAL RECORD.)

REPORTS OF COMMITTEES

Mr. COPELAND, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2001. A bill to amend section 4426 of the Revised Statutes of the United States, as amended by the act of Congress approved May 16, 1906 (Rept. No. 777); and

S. 2010. A bill to improve the living accommodations on vessels under 100 tons (Rept. No. 778).

Mr. COPELAND also, from the Committee on Immigration, to which was referred the joint resolution (H. J. Res. 285) to permit the temporary entry into the United States under certain conditions of alien participants and officials of the National Boy Scout Jamboree to be held in the United States in 1935, reported it without amendment and submitted a report (No. 786) thereon.

Mr. TYDINGS, from the Committee on the District of Columbia, to which was referred the bill (H. R. 3462) to amend an act entitled "An act to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913", and for other purposes, reported it with amendments.

Mr. ASHURST, from the Committee on the Judiciary, to which was referred the bill (S. 2421) to amend the act entitled "An act forbidding the transportation of any person in interstate or foreign commerce, kidnaped, or otherwise unlawfully detained, and making such act a felony", as amended, reported it without amendment and submitted a report (No. 779) thereon.

Mr. GIBSON, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 2779) to authorize the conveyance of certain lands in Nome, Alaska, reported it with an amendment and submitted a report (No. 780) thereon.

Mr. DONAHEY, from the Committee on Indian Affairs, to which was referred the bill (S. 2715) conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi, reported it without amendment and submitted a report (No. 781) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2406. A bill for the relief of Nancy Jordan (Rept. No. 782); and

S. 2545. A bill to provide funds for acquisition of the property of the Haskell Students Activities Association on behalf of the Indian school known as "Haskell Institute", Lawrence, Kans. (Rept. No. 783).

Mr. FRAZIER also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 2756) authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, and conferring jurisdiction upon said court to hear, examine, adjudicate, and enter judgment upon any and all claims which said Indians may have, or claim to have, against the United States, and for other purposes, reported it with amendments and submitted a report (No. 784) thereon.

Mr. HAYDEN, from the Committee on Territories and Insular Affairs, to which was referred the joint resolution (H. J. Res. 27) providing for extension of cooperative work of the Geological Survey to Puerto Rico, reported it without amendment and submitted a report (No. 785) thereon.

GOVERNMENT OF THE VIRGIN ISLANDS—LIMIT OF EXPENDITURES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, reported a resolution (S. Res. 148), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the committee appointed pursuant to Senate Resolution No. 98, Seventy-fourth Congress, first session, agreed to April 1, 1935, in addition to the authority conferred upon it by said resolution, shall have authority to make a full and complete investigation of the system of taxation in the Virgin Islands, and the limit of expenditures under said resolution is hereby increased by $10,000.

EXECUTIVE REPORT—NOMINATIONS OF WEST POINT GRADUATES

As in executive session,

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry cadets of the United States Military Academy, who are about to graduate, to be second lieutenants in the Army.

The PRESIDENT pro tempore. Without objection, the report will be received and placed on the Executive Calendar.

Mr. SHEPPARD subsequently said: Mr. President, as in executive session, I ask for the confirmation en bloc of the nominations of West Point graduates to be second lieutenants in the Army. It is necessary to have the nominations confirmed now in order that the diplomas may be prepared. I ask also that the President may be notified.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nominations are confirmed. The President will be notified thereof.

CONFIRMATION OF NOMINATIONS OF NAVAL ACADEMY GRADUATES

As in executive session,

Mr. TRAMMELL. Mr. President, on the Executive Calendar appear the nominations for appointment in the Navy and Marine Corps of the members of the first class of the Naval Academy at Annapolis, who will graduate on Thursday next. I ask unanimous consent that the nominations may be confirmed en bloc at this time, and that the President be immediately notified.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed, and the President will be notified.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEWIS:

A bill (S. 2979) to authorize the construction and maintenance of garages for employees of Veterans' Administration facilities; to the Committee on Finance.

A bill (S. 2980) for the relief of Ruby Rardon; to the Committee on Claims.

By Mr. BARBOUR:

A bill (S. 2981) for the relief of George P. Wright; to the Committee on Naval Affairs.

By Mr. McADOO:

A bill (S. 2982) for the relief of H. B. Van Brunt; to the Committee on Claims.

By Mr. SCHWELLENBACH:

A bill (S. 2983) to amend the Plant Quarantine Act of August 20, 1912; to the Committee on Agriculture and Forestry.

A bill (S. 2984) granting a pension to Lottie B. Smith; to the Committee on Pensions.

A bill (S. 2985) to amend the act of February 28, 1925 (Public, No. 506, 68th Cong.), as amended, for the purpose of permitting certain reclassified or reinstated employees of the Postal Service to be advanced more than one grade within 1 year; to the Committee on Post Offices and Post Roads.

By Mr. TYDINGS:

A bill (S. 2986) to amend an act entitled "An act to provide a government for the Territory of Hawaii", approved April 30, 1900, as amended, and known as the "Hawaiian Organic Act", by amending section 73 thereof, relating to public lands; to the Committee on Territories and Insular Affairs.

By Mr. SHEPPARD:

A bill (S. 2987) for the relief of Hiram G. Hines; to the Committee on Claims.

By Mr. NEELY:

A bill (S. 2988) for the relief of Hester Goff; to the Committee on Finance.

By Mr. AUSTIN:

A bill (S. 2989) granting an increase of pension to May S. King; to the Committee on Pensions.

By Mr. NORBECK:

A bill (S. 2990) to preserve from extinction the American eagle, emblem of the sovereignty of the United States of America; to the Special Committee on Conservation of Wildlife Resources.

A bill (S. 2991) granting a pension to Holy Woman Lone Butte or Eagle Horn (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 2992) to amend section 3342 of the Revised Statutes to modify the requirements with respect to affixing internal-revenue stamps on containers of fermented liquors; to the Committee on Finance.

By Mr. BAILEY:

A bill (S. 2993) for the relief of Carrie Price Roberts; to the Committee on Claims.

By Mr. BACHMAN:

A bill (S. 2994) for the relief of Thomas J. Jackson (with accompanying papers); to the Committee on Military Affairs.

By Mr. NORBECK:

A joint resolution (S. J. Res. 142) providing for the continuance of the wildlife restoration program and other conservation projects; to the Committee on Agriculture and Forestry.

By Mr. SMITH:

A joint resolution (S. J. Res. 143) authorizing the Secretary of Agriculture to pay necessary expenses of assemblage of the 4-H clubs, and for other purposes; to the Committee on Agriculture and Forestry.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 1414. An act to provide for the appointment of an additional district judge for the eastern district of Virginia; and

H. R. 7680. An act to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers; to the Committee on the Judiciary.

H. R. 1993. An act giving superintendents at classified post-office stations credit for substitutes serving under them;

H. R. 5596. An act granting equipment allowance to third-class postmasters;

H. R. 5723. An act to give certain railway postal clerks the same time credits for promotion purposes as were given others who were promoted on July 1 when automatic promotions were restored;

H. R. 6717. An act to amend section 1 of the act of July 8, 1932;

H. R. 6990. An act to fix the hours of duty of postal employees, and for other purposes;

H. R. 7688. An act to provide for the appointment and promotion of substitute postal employees, and for other purposes; and

H. R. 7709. An act to provide time credits for substitute laborers in the Post Office when appointed as regular laborer; to the Committee on Post Offices and Post Roads.

H. R. 2024. An act for the relief of officers and soldiers of the volunteer service of the United States mustered into service for the War with Spain and who were held in service in the Philippine Islands after the ratification of the treaty of peace, April 11, 1899; to the Committee on Claims.

H. R. 3979. An act to safeguard the estates of veterans derived from payments of pension, compensation, emergency officers' retirement pay, and insurance, and for other purposes; to the Committee on Finance.

H. R. 4123. An act providing for the payment of $15 to each enrolled Chippewa Indian of the Red Lake Band of Minnesota from the timber funds standing to their credit in the Treasury of the United States; and

H. R. 4324. An act to carry out certain obligations under certain tribal agreements; to the Committee on Indian Affairs.

H. R. 4707. An act validating certain applications for and entries of public lands, and for other purposes;

H. R. 6465. An act to accept the cession by the State of Arkansas of jurisdiction over all lands now or hereafter included within the Hot Springs National Park, Ark., and for other purposes;

H. R. 6544. An act to conserve the water resources and to encourage reforestation of the watersheds of Santa Barbara County, Calif., by the withdrawal of certain public land, included within the Santa Barbara National Forest, Calif., from location and entry under the mining laws;

H. R. 6616. An act to authorize the Secretary of the Interior to accept from the State of Utah title to a certain State-owned section of land and to patent other land to the State in lieu thereof, and for other purposes; and

H. R. 6734. An act to create a National Park Trust Fund Board, and for other purposes; to the Committee on Public Lands and Surveys.

H. R. 5774. An act to authorize a preliminary examination of Rogue River and its tributaries in the State of Oregon with a view to the control of its floods;

H. R. 5775. An act to authorize a preliminary examination of Siuslaw River and its tributaries in the State of Oregon with a view to the control of its floods;

H. R. 5776. An act to authorize a preliminary examination of Yaquina River and its tributaries in the State of Oregon with a view to the control of its floods;

H. R. 5777. An act to authorize a preliminary examination of Siletz River and its tributaries in the State of Oregon with a view to the control of its floods;

H. R. 7083. An act to extend the times for commencing and completing the construction of a bridge across the Wabash River at or near Merom, Sullivan County, Ind.;

H. R. 7313. An act authorizing a preliminary examination of Gafford Creek, Ark.;

H. R. 7314. An act authorizing a preliminary examination of Point Remove Creek, Ark., a tributary of the Arkansas River; and

H. R. 7600. An act authorizing a preliminary examination of the Tanana River and Chena Slough, Alaska; to the Committee on Commerce.

H. R. 6719. An act to amend the Canal Zone Code; to the Committee on Interoceanic Canals.

H. R. 6772. An act to amend the Grain Futures Act to prevent and remove obstructions and burdens upon interstate commerce in grains and other commodities by regulating transactions therein on commodity futures exchanges, to limit or abolish short selling, to curb manipulation, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 7025. An act authorizing the Secretary of the Interior to furnish transportation to persons in the service of the United States in the Virgin Islands, and for other purposes; and

H. R. 7380. An act authorizing the Virgin Islands Co. to settle valid claims of its creditors, and for other purposes; to the Committee on Territories and Insular Affairs.

H. R. 7220. An act to provide for the use of the U. S. S. *Olympia* as a memorial to the men and women who served the United States in the War with Spain; to the Committee on Naval Affairs.

H. R. 7235. An act to amend the act entitled "An act to make provision for suitable quarters for certain Government services at El Paso, Tex., and for other purposes"; to the Committee on Public Buildings and Grounds.

H. R. 7451. An act authorizing the erection of a memorial to Brig. Gen. Casimir Pulaski at Savannah, Ga.; and

H. R. 7731. An act to provide for the erection of a statue of Abraham Lincoln in the Gettysburg National Cemetery; to the Committee on the Library.

FISH-CULTURAL STATION IN ARIZONA—AMENDMENT

Mr. HAYDEN submitted an amendment intended to be proposed by him to the bill (S. 813) authorizing the Secretary of Commerce to establish a fish-cultural station in Arizona, which was referred to the Committee on Commerce and ordered to be printed.

AMENDMENTS TO RIVER AND HARBOR BILL

Mr. LA FOLLETTE submitted two amendments intended to be proposed by him to the bill (H. R. 6732) authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which were referred to the Committee on Commerce and ordered to be printed.

EXTENSION OF CLASSIFIED CIVIL SERVICE—AMENDMENT

Mr. VANDENBERG. Mr. President, I submit an amendment intended to be proposed by me to the bill (S. 1952) extending the classified executive civil service of the United States, which I ask to have printed and to lie on the table.

The PRESIDENT pro tempore. Without objection, the amendment will be received, printed, and lie on the table.

STABILIZATION OF BITUMINOUS COAL-MINING INDUSTRY—AMENDMENT

Mr. NEELY. I ask unanimous consent to have printed and to lie on the table an amendment which the Senator from Pennsylvania [Mr. GUFFEY] and I will offer at the appropriate time as a substitute for Senate bill 2481, to stabilize the bituminous coal-mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a draw-back under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected with a national public interest; to conserve the bituminous-coal resources of the United States and to establish a national bituminous-coal reserve; to provide for the general welfare; and for other purposes.

The PRESIDENT pro tempore. Without objection, the amendment will be received, printed, and lie on the table.

REGULATION OF PUBLIC-UTILITY HOLDING COMPANIES—AMENDMENTS

Mr. BAILEY submitted sundry amendments intended to be proposed by him to the bill (S. 2796) to provide for the control and elimination of public-utility holding companies operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes, which were severally ordered to lie on the table and to be printed.

BRUCE F. RAMSEY—WITHDRAWAL OF PAPERS

On motion of Mr. THOMAS of Oklahoma, it was

Ordered, That the papers filed with the bill (S. 4988) for the relief of Bruce F. Ramsey, Seventy-second Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

COST OF RAILROAD EMPLOYEE ACCIDENTS, 1932 (S. DOC. NO. 68)

Mr. WAGNER. Mr. President, I ask consent to have printed as a Senate document a report on the cost of railway employee accidents in 1932, which was prepared by Mr. O. S. Beyer, in charge of the Section of Labor Relations under the Federal Coordinator of Transportation. It is a very important and informative study.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WHICH? AMERICAN DEMOCRACY OR PERSONAL DICTATORSHIP?

Mr. BARBOUR. Mr. President, I ask permission to have inserted in the RECORD a signed article by William Randolph Hearst entitled "Which? American Democracy or Personal Dictatorship?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York American of June 2, 1935]

WHICH? AMERICAN DEMOCRACY OR PERSONAL DICTATORSHIP?

The latest decisions of the Supreme Court of the United States should arouse all loyal American citizens to a full realization of how entirely this so-called "Democratic administration" at Washington has abandoned Democratic principles and how utterly it has discarded the fundamental Democratic policy, and the fundamental American constitutional policy of strict limitation of Federal powers.

The Federal power during the Roosevelt regime has so thoroughly invaded and dominated the States and counties and cities of the country that Mayor LaGuardia, of the city of New York, for example, has established an office in Washington, where he will spend a good part of his time receiving his orders from the Federal Government and trying to secure his share of the Federal moneys, or rather the people's moneys, that are being handed out by the Federal Government to complaisant supporters of the Government program.

But not only has the Federal Government violated in this respect the spirit and letter of the American Constitution, which strictly limits the powers of the Federal Government, but it has violated the Constitution in its definition of the relative powers of the executive branch of the Federal Government, of the legislative branch, and of the judicial branch.

The President has assumed, unconstitutionally in most cases, more power than European constitutional monarchs, and, in fact, practically the same powers as the European dictators.

As a matter of fact, Dictator Hitler, for instance, professes respect and strict adherence to the Constitution of Weimar, and declares specifically and emphatically that his whole plan was submitted to the people of Germany and ratified by a vote of more than two-thirds of the electorate.

According to the Constitution of Weimar, under which Germany's Government operates, a vote of two-thirds of the electorate constitutes a positive injunction by the people upon the government to proceed with the plan as submitted to the people and endorsed by them.

When have Mr. Roosevelt's plans and policies been submitted to the electorate of the United States?

Surely they were not submitted or defined or even intimated in the Presidential election.

On the contrary, the declarations of the Democratic platform, and the utterances of Mr. Roosevelt himself during the campaign, were in complete variance with the policies he has pursued since elected.

Indeed, his policies are in absolute and utter violation of all the pledges of the platform and of the personal pledges of the candidate.

The Democratic national platform adopted in 1932 pledged the Democratic Party to economy in government and denounced bureaucratic extravagance. The platform said, in part:

"The Democratic Party solemnly pledges:

"An immediate and drastic reduction of governmental expenditures by abolishing useless commissions and offices, consolidating departments and bureaus, and eliminating extravagance, to accomplish a saving of not less than 25 percent in the cost of Federal Government.

"Maintenance of the national credit by a Federal Budget annually balanced. * * *

"We condemn:

"The improper and excessive use of money in political activities. * * *"

In a campaign speech as the Democratic nominee for President, Governor Roosevelt said:

"The platform is a promise binding on the party and its candidates.

"I have accepted the platform without equivocation and without reserve.

"Let us have the courage to stop borrowing and meet continuing deficits. Stop the deficits."

In an address delivered on March 2, 1930, Franklin D. Roosevelt, then Governor of the State of New York, condemned government by bureaucracies and dictatorships in the following terms:

"The doctrine of regulation and legislation by 'master minds', in whose judgment and will all the people may gladly and quietly acquiesce, has been too glaringly apparent at Washington during these last 10 years.

"Were it possible to find 'master minds' so unselfish, so willing to decide unhesitatingly against their own personal interests or private prejudices; men almost godlike in their ability to hold the scales of justice with an even hand—such a government might be to the interest of the country.

"But there are none such on our political horizon, and we cannot expect a complete reversal of all the teachings of history."

These are the declared policies of the Democratic Party in the party's national platform.

These are the declared principles of Mr. Roosevelt himself.

And if the vote of the people can be considered an injunction to carry out the policies submitted in an election, Mr. Roosevelt has not heeded that injunction, and is even more of a dictator and more of a defiant dictator than the dictators of Europe.

Perhaps Mr. Roosevelt was wrong when he said that no man has wisdom enough to be a dictator.

It is, of course, conceivable that Mr. Roosevelt may have a genius greater than that of other men—that he may have wisdom superior to that of the founders of this Nation.

It is possible that he has more of a "master mind" than the founders of this Nation.

It is possible, too, that his is a "master mind" greater than any of the framers of the Constitution, that his wisdom is greater than the wisdom of all the Presidents who have preceded him, greater than the wisdom of the people themselves.

Perhaps the Budget should not be balanced. Perhaps the substance of the country and of the citizenry should be dissipated in reckless political largesse and in political coercion.

Perhaps the future of the country and of this generation of citizens, and of future generations, should be mortgaged to give one man the greatest money power ever wielded in the history of the world; the greatest power to violate the Constitution, to invade the rights of the States, to reverse the policies of a Nation.

But such are not the tenets of democracy nor the principles of Americanism.

Furthermore, there has been no approval of such a revolutionary program by the voters of the United States.

Mr. Roosevelt is not proceeding under an injunction by the people to carry out his socialistic policies.

The Constitution of the United States has not been repudiated by the people at the polls.

The Government of the United States has not yet been constituted a despotism by any decision of the electorate.

The invasion of State rights, the destruction of local and independent government, have not been approved by popular vote.

The reckless use of public funds has not been authorized by the people.

All these things, even national bankruptcy, even abolition of our American institutions and our governmental system, may be right; but they are not authorized by popular approval at the polls.

They are the acts of an arbitrary dictator and are in contradiction of that dictator's own professions and pledges.

Mr. Lincoln said this country cannot endure half slave and half free.

And it cannot endure half democracy and half despotism.

Shall we go the full route to socialism or fascism; or shall we return to American constitutional government?

Whatever we do, let us do it at the command of the people and not at the instance and instigation of a self-constituted dictator.

WILLIAM RANDOLPH HEARST.

PAYMENT OF ADJUSTED-SERVICE CERTIFICATES—THE PATMAN BILL

Mr. FRAZIER. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address by Hon. George K. Brobeck, legislative representative of the Veterans of Foreign Wars, delivered over the National Broadcasting network, under the auspices of the Farmers' Union program, on May 25, 1935. The address is entitled "Why Congress Should Approve the Patman Bill."

There being no objection, the address was ordered to be printed in the RECORD, as follows:

WHY CONGRESS SHOULD APPROVE THE PATMAN BILL

Ladies and gentlemen, I want to express my appreciation to the Farmers' Union for the privilege of participating in this program. It is a distinct pleasure and an honor to be associated with my good friend Ed Kennedy, who so ably represents the Farmers' Union here in the Nation's Capital.

ADJUSTED PAY FOR THE WORLD WAR VETERAN

This week in Washington saw the just desire for at least temporary financial aid of 3,500,000 of America's veterans crash from the pinnacle of hope when the Senate of the United States voted to sustain the President's veto on the Patman bill. The bill which was passed in 1924 to pay the service men adjusted-service pay was passed over the veto of President Coolidge. Let us examine this adjusted-service pay situation in order that we may know just what it constitutes and amounts to. This bill paid the veteran $1 a day for service at home and $1.25 a day for service overseas, but it was not paid to the veteran in cash as were all of the claims of the war profiteers and contractors. The veteran was given a piece of paper known as an "adjusted-service certificate", and he was told to wait 20 years, or until 1945, to receive this adjustment of his war pay. It was fundamentally wrong for this Government to ask a man who had served his country to wait 27 years from the date of that service to receive his pay for the work done.

PATMAN BILL PROVIDES FOR SOUND CURRENCY

We, of the Veterans of Foreign Wars, supported the Patman bill with every ounce of our energy. The method of the payment is identical to that proposed in the Frazier-Lemke measure. We proposed to pay this debt in what has been contemptuously called "printing-press money." We proposed to have the United States Treasury, in the Bureau of Engraving, here in Washington, print United States Treasury notes, exactly the same kind of money that you now carry, if you are fortunate enough to have money to carry. This money would be backed by the eight and one-half billion dollars of gold in the United States Treasury. It would be backed by over $800,000,000 of silver in the Treasury vaults, and it would be backed by the faith and good will and the credit of the United States. The argument that the issuance of this money against a gold and silver reserve of nearly $9,500,000,000 will constitute disastrous inflation is an insult to the understanding of any school child who knows his a b c's. More insulting still is the argument to the effect that for us to print more paper money to pay our debt to the veterans will be to emulate the financial nonsense of Germany and Russia, which was manifested by such wild inflationary action that a wagonload of paper money would not buy a loaf of bread. Of course, everyone who has taken the pains to acquire even the slightest information on the subject knows that in neither Germany nor Russia, during their inflationary periods, was the worthless paper money fortified by a single ounce of silver or gold.

MORE MONEY NEEDED IN CIRCULATION

The veterans of the United States were not selfish in this bill, because it is an admitted fact that the country needs the additional circulation of the money proposed. The passage of the Patman bill would have meant an increase in the market value of farms and every farm product in the United States. It would have meant the instant stimulation of every legitimate business in the land. It would have meant the prompt alleviation of the unspeakable financial distress which is compelling hundreds of thousands of the veterans of this country to live upon the crumbs that fall from charity's tables.

THE PEOPLE FOR THE PATMAN BILL

It is a source of great concern to many people that an issue may be accepted by the Congress of the United States by the overwhelming majority of 322 to 98, that it may be passed by the Senate 54 to 40, in plain unvarnished words, that it may be the expressed will of more than 85 percent of the American people speaking through their elected representatives and still not become the law of the land. We hear much about organized minorities in this country and perhaps the searchlight of investigation might well shed its beams of inquiry upon the 15 percent who stopped our comrades of the World War from receiving this long-overdue debt. I have every confidence that payment legislation will be enacted during this session of Congress, and after the successful termination of this fight the veterans and the farmers and laborers of America must find renewed reason for a united stand to protect our country. In time of war it is from the ranks of the farmers, the laborers—yes; from the common people of America—that the soldiers of the Nation must come. From this great group of our people come the men and women who will feel the anguish of broken bodies, blasted hopes, and tortured minds. This part of the Nation's citizenry has always carried the brunt in time of national peril and will always carry the brunt when an emergency may arise, and in time of peace they are the first to suffer and those who suffer most because of economic distress. And, so I believe it is time that the farmers of America, those who bend their backs to stir Nature's bosom, and bring forth the grain and fruits which must sustain our national life, and the laborers who marched to their daily toil in factories, in the mines, on the great railroads and industries of our Nation, with these groups the veterans of the country must find a common ground to protect the ideals and perpetuate the blessings America has to offer.

The boy you sent away in '17 has the same clean love of country burned deep within his heart that prompted him to go forth at that time. Those in the Veterans of Foreign Wars have had that love of country seared into their very souls by fighting on foreign soil and in hostile waters to protect the good name of this Nation. Join with those men, know them better, and begin to build in this country anew.

THE ONLY THING GIVEN THE SOLDIER—A RAW DEAL

We have heard much in recent days about the fact that the veteran was so wonderfully treated while in the service, that in fact

his tour of duty, if you are to believe some propaganda, was just one picnic or banquet after another. We hear over the air waves and read in the press how the World War soldier, sailor, and marine was given insurance, his family was given protection, and in fact, all the soldier had time to do was check up on the things given him. As far as the insurance is concerned, let me now dispel from the minds of every listener any thought you may have that any member of the armed forces during the World War was given any life insurance. The average cost of that insurance deducted from the $30 base pay of the service man was $6.60 per month. In addition to that, let me also correct the impression that this Government gave to the dependents of a soldier all of the aid they received. A veteran with any dependents was required to make an allotment of $15 per month. This was also a deduction from his pay. In addition to the allotment, I remember well when the officers of my regiment informed the men in every company "if they were real Americans they would buy Liberty bonds." If the soldier bought a $50 Liberty bond, $5 a month was deducted from his pay, so we now find the buck private with a deduction of $6.60 for insurance, $15 for an allotment to the folks at home, and $5 for a Liberty bond. This makes a total deduction of $26.60. His base pay being $30, this American boy who was serving his country would receive $3.40 from the paymaster with which to buy his toilet articles, stamps, tickets for any show he might go to, and in fact, in the modern vernacular to make "whoopee" with.

The statements I have just made concerning the pay of the soldier are not made in the spirit of complaint, but with a desire to correct the information some people may have that the doughboy and the sailor at sea had everything handed out on a silver service.

WE ASK JUSTICE FOR THE SOLDIER, THE FARMER, AND THE LABORER

It has been my privilege to spend a good part of my life out in the great Northwest. I know from intimate contact the problem of the American farmer as it concerns his everyday life. I know the feeling of anxiety that tugs at the heart of the rugged pioneers that carved their homes on the prairies and rolling plains of the great Northwest. The life the soldier went into that frontier country to grapple with all the elements and make a better America. They like the soldier have felt the pangs of hunger after a long day's march from the furrowed fields from which they hoped to build a better country. I knew the sons of these same pioneers in our Army and I know that in no group of all our national life is there a finer and deeper sense of patriotic responsibility.

When the Farmers' Union joined with the Veterans of Foreign Wars and other organizations over the entire country in our attempt to pass the Patman bill, it rekindled the united faith which made the World War end with a glorious victory for our American Army.

The fight for the immediate cash payment of the adjusted-service certificates is exactly parallel to the fight for justice for the American farmer and the American laborer. These conquests will never end until right and justice prevail and these certificates are paid in full.

Thank you.

THE GUFFEY COAL BILL

Mr. NEELY. Mr. President, I ask unanimous consent to have printed in the RECORD two articles and an editorial appearing in the Washington Daily News of Monday, June 3, 1935, relative to the so-called "Guffey coal bill."

There being no objection, the articles and editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of June 3, 1935]

THE COAL CRISIS

The threat of a Nation-wide strike of soft-coal miners on June 17 cannot be blamed on the Supreme Court's N. R. A. decision, for the threat was made before the decision. But it dramatizes the necessity for some Federal control within the narrow confines of that decision—pending the outcome of the President's awaited move to push back those confines.

The miners are demanding higher wages and shorter hours, but their essential protest is against wage cutting, chiseling, and the general chaos in coal. N. R. A.'s coal code mitigated but failed to cure that trouble. The miners believe, and most mine owners agree, that in the pending Guffey coal control bill Congress has not only a means of stabilizing their industry but also a constitutional formula for Federal regulation of similar industries.

The Guffey bill appears to meet the Court's two objections to the N. R. A. code method of regulation.

First, it does not delegate legislative powers. It sets up a National Bituminous Coal Commission, named by the President with Senate consent. This body would set standard wages and hours, fix minimum and maximum prices. The bill defines certain unfair labor practices, provides for collective bargaining, and creates a coal labor board to mediate disputes. These provisions seem to follow the rule suggested in the Schechter decision of "laying down policies and establishing standards" for an administrative board to execute.

Next, the bill does not appear to seek Federal authority over an intrastate industry. Coal mines furnish nearly all the fuel to run the railroads. Half of our electricity is generated by coal. Only under a most literal interpretation of the recent decision can coal be held inviolate from Federal regulation.

As President Roosevelt seems to suggest, it is illogical for the courts to give Federal sanction to injunctions against striking miners and then forbid Federal attempts to better miners' conditions. It is recalled also that the Supreme Court in the Appalachian coal case in 1933 held that the chaos in this industry justified, provisionally at least, a marketing agreement designed to stabilize prices.

The Guffey bill is not a perfect instrument, but it offers a life line to an industry crying for help.

The impending mine strike removes this question of industrial regulation from the academic plane. A general coal miners' strike would throw nearly half a million men out of work, leave only 22 days' supply of coal above ground, and paralyze much of transportation and manufacture. These realities confront Congress today.

[From the Washington Daily News of June 3, 1935]

By Fred W. Perkins

The Guffey bill for stabilization of soft-coal mining has assumed an importance far transcending the special field it was originally designed to cover.

Its backers see in it the way out for other great national industries from the confused stalemate that followed the Supreme Court's "thumbs down" for N. R. A.

John L. Lewis, president of the United Mine Workers, declares his belief that the Guffey bill will be found within the constitutional confines marked off by the Court.

SUPPORTS CONTENTION

Lewis made the following points:

1. The Guffey bill would involve no delegation of legislative powers to the President. Congress itself would set up a legislative code for the industry, and would authorize a new agency, the National Bituminous Coal Commission, to carry out Congress' defined will.

2. The bill would follow the Supreme Court's dictum denying Federal power over commerce that is purely intrastate. The bill would attempt only to regulate commerce that is undoubtedly interstate and such intrastate commerce as may be shown to affect interstate commerce.

Most observers who have been watching the bituminous situation are convinced that it was only by coincidence that the threat of a national bituminous miners' strike came on the heels of the Supreme Court's action.

BOTH SIDES HIT N. R. A.

The United Mine Workers, with the active cooperation of operators who claim to represent a majority of tonnage, began their pressure months ago for special legislation to keep the industry from returning to the rule of "tooth and claw." At the beginning of this session of Congress leaders of both miners and operators were charging that N. R. A. enforcement had already broken down in their industry.

A week before the Supreme Court decision the miners' and operators' wage conference had given notice of its inability to agree on a new pay scale.

At the hour of the Supreme Court's ruling the operators were engaged in a national legislative conference intended to work out revisions for the Guffey bill that would make it acceptable to as much of the industry as possible.

On the following day the wage conference broke up, leaving the threat of a national shutdown June 17 unless a wage agreement is reached in the meantime. Charles O'Neill, a leader on the operators' side, said that before the operators sign they want some assurance, in special legislation, that they can maintain any pay scale, be it low or high.

That is the essence of the argument as it affects bituminous coal—an industry long recognized as "sick", that has a tremendous potential overproduction, that is scattered through most of the 42 States, and that furnishes nearly all the fuel for the railroads and most of the fuel used in the production of electric power.

Amendments suggested by the operators would leave the Guffey bill primarily a price-fixing measure, with the addition of safeguards for the interests of labor. The National Coal Commission would be empowered to fix maximum as well as minimum mine prices for coal. Thus, its backers say, it would protect the public as well as the industry. The Commission would consist of nine members. Two would represent the operators, 2 the miners, and 5 the public.

Proposals for limitation of production and allocation of production through various districts, as well as the creation of a national bituminous coal reserve through a Federal bond issue to be paid off by a tax on coal, have been pushed into the background in the operators' recommendations. They propose that these matters be first studied by the proposed commission.

The Mine Workers have not taken a position on these recommendations.

[From the Washington Daily News of June 3, 1935]

PLAIN ECONOMICS

By John T. Flynn

A LITTLE BILL WHICH WAS INTRODUCED INTO THE SENATE ALMOST UNOBSERVED LAST JANUARY MAY BE THE PATTERN FOR THE MOVEMENT TO CONTROL INDUSTRY NOW THAT THE N. R. A. HAS PASSED

Perhaps the next sensation for our highly irritated nerves will be a little bill which was introduced into the United States Senate almost unobserved last January. It is important because it

may become the pattern for the movement to control industry, now that the N. R. A. has passed. This is what is called the "Guffey coal-commission bill."

This is an ambitious plan about which little has been said, and in the confusion and panic resulting from the N. R. A. collapse an effort may be made to jam through this bill with unwise haste.

As everyone knows, the coal industry has been in a desperate condition for years. The N. R. A. did bring to labor in the coal fields an improved condition. But this was due to the energy and drive of the coal miners themselves, led by a forceful man, John L. Lewis. However, the coal regions are still in trouble. Just as there are too many miners, there are too many mines.

At least a year ago operators and miners decided that something more drastic than N. R. A. would be needed. Just what happened behind the scenes and what deals were made, I do not know. But it was rumored around that operators and miners were working together on a bill which would: (1) Perpetuate the labor provisions of N. R. A.; (2) put the coal industry under complete control by the Federal Government. The price of this, so far as the mine owners were concerned, was that the Government would buy up all or at least a large part of the marginal mines and put them out of business.

This plan has flowered in the bill offered by GUFFEY, the new Democratic Senator from Pennsylvania. The plan of the bill is (1) to create a commission of five members—the bituminous coal commission—to be named by the President, which will exercise wide sway over all bituminous-coal mines. (2) To establish a national coal reserve. This is a high-sounding name for all the marginal coal mines which the Government will buy and put out of business for the time being. (3) To pay for these mines a bond issue of $300,000,000 is being provided which will be liquidated by a tax on coal. (4) No new or old mines may be reopened save with consent of the Commission. (5) Operators will be permitted to organize codes.

All coal will be taxed 25 percent at the mine, but 99 percent will be rebated to the mine owner who joins the code—probably an unconstitutional provision. (6) The coal lands will be divided into districts and code authorities in those districts will fix prices subject to approval by the Commission. (7) A Coal Labor Board, three members representing the public, the owners, and labor, will have jurisdiction of labor matters.

REGULATION OF PUBLIC-UTILITY HOLDING COMPANIES

The Senate resumed consideration of the bill (S. 2796) to provide for the control and elimination of public-utility holding companies operating, or marketing securities, in interstate and foreign commerce and through the mails, to regulate the transmission and sale of electric energy in interstate commerce, to amend the Federal Water Power Act, and for other purposes.

Mr. DIETERICH. Mr. President, in addressing myself to the bill under consideration, I shall endeavor as carefully as I can to observe those rules which I feel should be observed by a Member of the Senate in discussing a measure of this importance. I shall not attempt to dramatize any of my remarks. I shall try to avoid personalities, and shall at least try to conceal any prejudice I may have, though I believe I do not have very many prejudices with reference to the pending measure.

In view of what has been said, it might be well for me to reintroduce myself to my colleagues in the Senate. I am just an ordinary country lawyer. I live within about 12 miles of the spot where I was born. A circle of 17 miles would cover my life's activities.

I am a native of Illinois. I have been honored by the electorate of Illinois by being placed in positions of honor and responsibility. I am by profession an attorney. I consider the office of attorney at law one of the best offices I have ever held or ever will hold. I consider that anyone who will conduct himself as becomes an attorney at law will do a useful service to his people and to his country.

I am not a stockholder in any holding company. I represent no interest which would be affected by the pending bill. I am engaging in the consideration of the bill and giving the Senate the benefit of my views because the people of my State are intensely interested in the bill. They are interested in it because within that State are utilities of both the good and the bad variety. The people are interested in the bill because in that State in previous years campaigns have been conducted for the sale of utilities stocks and securities until my people are investors to the number of many thousands of the citizenship, and their investments amount to many, many millions of dollars.

I am addressing myself to the bill because I sincerely believe its passage would impair and in many instances destroy those investments. I believe that a different measure could be proposed which would cure the evils which exist in relation to holding companies and still leave unimpaired the investments of the citizenship of my State.

It is not enough to say that the people were deceived into making such investments. Without any question, high-powered salesmanship in any line has in it some element of deception. But the widow and the orphan and the wage earner who invested their savings in these stocks and securities in the belief that they were investing in something which would yield a fair income and which was safe are entitled to the consideration of the Congress in connection with the pending measure.

I say it is my concern for the people that justifies my interest in the bill. In order that Senators may understand my position, I will state that I believe some measure should be passed regulating holding companies. I believe there have grown up in that particular class of organizations some faults and some practices which should be corrected and which should not be further tolerated. I also believe that in the field of industry there are such companies which serve a legitimate and useful purpose. I do not see how any system involving any particular industry covering many units and being distributed over any considerable area could possibly exist without some sort of central organization. In most cases—I will say in many cases—while some of the holding companies have been the result of promotion schemes, there are holding companies which have served as mere cooperatives, a principle which we have been encouraging in practically all our legislation.

In approaching the subject I desire to call attention to some of the principles and some of the constitutional provisions which I think should be taken into consideration in passing upon the measure.

We live in a constitutional republic. We are sitting here as Senators by virtue of our Constitution. It is useless for me to eulogize or to lay any patriotic stress upon that particular form of government, except to say that I feel that it is the most perfect form of government that could govern any of the peoples of the world, and I am in sympathy with it. Necessarily I would be. I come from the State of Lincoln and Douglas. I come from the State of that great patriot who, while he cherished different political views from the President of the United States, remained loyal, and whose dying words, which are inscribed upon his tomb, were "Tell my children to obey the laws and defend the Constitution."

We have had a great deal of good advice given us in past years which we should ever keep in mind, I think, under the rules of the Senate. There is a day set apart each year, when Congress is in session, given to the reading of the Farewell Address of the Father of his Country; and I ask Senators to indulge me while I refresh their memories with some excerpts from that address.

Washington said, in giving his advice:

> To the efficacy and permanence of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.
>
> All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They

serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

The Father of his Country further said:

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext.

With that sentiment in view, I shall take the time briefly to examine the provisions of the Constitution, which I think we should familiarize ourselves with and take into consideration in passing upon this proposed legislation.

We are concerned first with the tenth amendment to the Constitution, which provides that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

With the commerce clause of the Constitution, which provides that—

The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

With the fifth amendment to the Constitution, which provides that—

No person shall be * * * deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

With the fourteenth amendment to the Constitution, which provides that—

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

I may say in passing that I presume there can be no controversy that the courts, in construing the term "person" in the Constitution, have held that corporations are persons within the meaning of the constitutional provision forbidding the deprivation of property without due process of law, as well as the denial of the equal protection of the laws.

The question may arise in the minds of Senators, "What is due process of law, and what is meant by this particular term, and how has that particular provision of the Constitution anything to do with the pending measure?"

The courts have defined what is due process of law. I am going to quote now from the case of *Murray's Lessee et al.* v. *Hoboken Land & Improvement Co.* (59 U. S. 276), which was a case that came up on a distress warrant issued by the Comptroller to distrain the goods of a party who had held the office of collector of customs in the city of New York, to make good an amount that was claimed to be due the Federal Government. In that case the Court used this language:

That the warrant now in question is legal process is not denied. It was issued in conformity with an act of Congress. But is it "due process of law"? The Constitution contains no description of those processes which it was intended to allow or forbid. It does not even declare what principles are to be applied to ascertain whether it be due process. It is manifest that it was not left to the legislative power to enact any process which might be devised. The article is a restraint on the legislative as well as on the executive and judicial powers of the Government, and cannot be so construed as to leave Congress free to make any process "due process of law" by its mere will.

So if the enactment and enforcement of this measure will result in the confiscation or the destruction of property rights, the mere fact that we may enact it will not give us that authority, because we cannot by our own will determine that a certain course shall be pursued, which course will eventually destroy the property rights of the citizen, and then have the Government make the defense that the property was taken and the injuries inflicted in due process of law by reason of the fact that the Congress passed legislation authorizing it to be done.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. DIETERICH. I yield.

Mr. NORRIS. Before the Senator leaves the question of due process of law, I take it he reaches the conclusion that what is due process of law, since it has not been described in the Constitution, is a question for the courts to determine, and not for the legislature to determine?

Mr. DIETERICH. That is correct; and if property is taken under a law enacted by Congress and an injury is thereby worked upon the citizen, the mere fact that a statute was enacted does not mean that the property was taken by due process of law.

We have heard much about emergencies, and there was really a feeling, I think, at least among us junior Members of the Congress, that possibly the matter of emergency might have changed the Constitution to some extent, that possibly it might have broadened its provisions.

Mr. WHEELER. Mr. President, would the Senator mind an interruption?

Mr. DIETERICH. I yield.

Mr. WHEELER. The Senator speaks of due process of law. How does he claim property would be taken under the pending bill?

Mr. DIETERICH. I will get to that, and cover it more fully. But the rearrangements to be affected under the pending bill, the arbitrary right to classify and divide certain enterprises now in existence, will have the effect of impairing the obligations they have assumed, and of reducing the value of their stocks and their securities. That is the point, briefly.

Mr. WHEELER. If the Senator will pardon me just a moment, I may call his attention to the fact that in the Northern Securities case the Supreme Court of the United States dissolved a holding company because of the fact that Congress provided in the law that it was illegal for such and such a company to carry on business, and so the Court dissolved the holding company. It was contended in that case that the securities of the company would be injured.

Mr. DIETERICH. I do not wish to take up that argument at this time. I hope the Senator will allow me to proceed in an orderly way to present my views.

Mr. WHEELER. Very well.

Mr. DIETERICH. There was a difference in that case. Congress had provided what sort of a company should be held illegal. Under the pending bill it would be left to a commission to determine whether a company was legal or not.

Continuing where I was interrupted, we felt that emergency had something to do with the matter. However, in the case of Schechter against the United States, recently decided by the Supreme Court, with which case I suppose every Member of the Senate is familiar, we are advised that the existence of an emergency is no justification for evading the Constitution.

For the RECORD I wish to read an excerpt from that opinion:

First. Two preliminary points are stressed by the Government with respect to the appropriate approach to the important questions presented. We are told that the provision of the statute authorizing the adoption of codes must be viewed in the light of the grave national crisis with which Congress was confronted. Undoubtedly, the conditions to which power is addressed are always to be considered when the exercise of power is challenged. Extraordinary conditions may call for extraordinary remedies. But the argument necessarily stops short of an attempt to justify action which lies outside the sphere of constitutional authority. Extraordinary conditions do not create or enlarge constitutional power. The Constitution established a national government with powers deemed to be adequate, as they have proved to be both in war and peace, but these powers of the National Government are limited by the constitutional grants. Those who act under these grants are not at liberty to transcend the imposed limits because they believe that more or different power is necessary. Such assertions of extra-constitutional authority were anticipated and precluded by the explicit terms of the tenth amendment—"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Another question with which we are concerned as it affects the pending bill is how far Congress can delegate legislative

power, and it might be well to examine the decision of the United States Supreme Court and see whether or not they have given us any light upon this question.

Of course, the Constitution provides that all legislative power shall be vested in the Congress. In the case of *Wichita Railroad & Light Co.* v. *Public Utilities Commission of the State of Kansas et al.* (260 U. S. 58), reading from the Court's opinion, we find:

> * * * The maxim that a legislature may not delegate legislative power has some qualifications, as in the creation of municipalities, and also in the creation of administrative boards to apply to the myriad details of rate schedules the regulatory police power of the State. The latter qualification is made necessary in order that the legislative power may be effectively exercised. In creating such an administrative agency the legislature, to prevent its being a pure delegation of legislative power, must enjoin upon it a certain course of procedure and certain rules of decision in the performance of its function. It is a wholesome and necessary principle that such an agency must pursue the procedure and rules enjoined and show a substantial compliance therewith to give validity to its action. When, therefore, such an administrative agency is required as a condition precedent to an order to make a finding of facts, the validity of the order must rest upon the needed finding. If it is lacking, the order is ineffective.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. DIETERICH. I yield.

Mr. MINTON. What was the particular provision the Court had before it to construe at that time?

Mr. DIETERICH. It was the question of the delegation of power, a provision for certain findings contained in the utilities act of the State of Kansas.

Mr. MINTON. A delegation of power to the Public Service Commission of the State of Kansas?

Mr. DIETERICH. To the Public Service Commission of the State of Kansas. That delegation of power was, of course, rested on certain findings of fact, and in that particular case the findings of fact were lacking.

Mr. MINTON. Has the Senator before him the provision of the statute that was the guide?

Mr. DIETERICH. I have not the provision of the statute before me, but the Senator can take the case and investigate it. I might say that I did not have time to look into all the details of it. I simply gathered the expression I have read from the opinion of the Court.

Mr. MINTON. I thought perhaps the Court's opinion cited the provision of the statute.

Mr. DIETERICH. It was one of those usual provisions which laid down facts which should be determined and which were in existence. I might say to the Senator along this line, although I shall cover the matter later on, that the question of findings of fact is different from the question of conclusions and the question of exercising judgment. The questions in these rate cases and similar cases are based upon certain earning powers, in which it is possible to go into the mathematics and to ascertain and find and compute, as distinguished from the judgment of someone that something may be in the public interest, or that it may result in public good.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DIETERICH. I yield.

Mr. WHEELER. Let me call attention to the fact that in the Interstate Commerce Commission Act there are numerous specific provisions to the effect that if the Interstate Commerce Commission finds certain things against the public interest they can do so-and-so.

Mr. DIETERICH. I do not wish to interrupt the course of my argument to go into that, but I believe I can abbreviate it by saying to the Senator that I am going to discuss the question of public interest, and when I come to that I shall be glad if he will call my attention to the point he has in mind.

Mr. WHEELER. I desire to submit that when a finding is made that anything is against the public interest, of course that must be based upon some fact. The commission could not simply arbitrarily do it without rime or reason; but in specific cases the Supreme Court have held that there was evidence of a finding of fact, and they have held the same thing with reference to certificates of convenience and necessity.

Mr. DIETERICH. Mr. President, I should like to pursue the course of my argument without being interrupted. The matter of public interest as laid down in the finding of facts of some agency of Government, and bringing it under the Constitution because it is believed to be in the public interest, are two different things.

In the case of Schechter against United States, in the recent opinion just cited, we find this language:

> The Constitution provides that "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives" (art. I, sec. 1). And the Congress is authorized "To make all laws which shall be necessary and proper for carrying into execution" its general powers (art. I, sec. 8, par. 18). The Congress is not permitted to abdicate or to transfer to others the essential legislative functions with which it is thus vested. We have repeatedly recognized the necessity of adapting legislation to complex conditions involving a host of details with which the national legislature cannot deal directly. We pointed out in the Panama Co. case that the Constitution has never been regarded as denying to Congress the necessary resources of flexibility and practicality, which will enable it to perform its function in laying down policies and establishing standards, while leaving to selected instrumentalities the making of subordinate rules within prescribed limits and the determination of facts to which the policy as declared by the legislature is to apply. But we said that the constant recognition of the necessity and validity of such provisions, and the wide range of administrative authority which has been developed by means of them, cannot be allowed to obscure the limitations of the authority to delegate, if our constitutional system is to be maintained (id., p. 421).

And again on page 12:

> To summarize and conclude upon this point: Section 3 of the Recovery Act is without precedent. It supplies no standards for any trade, industry, or activity. It does not undertake to prescribe rules of conduct to be applied to particular states of fact determined by appropriate administrative procedure. Instead of prescribing rules of conduct, it authorizes the making of codes to prescribe them. For that legislative undertaking, section 3 sets up no standards, aside from the statement of the general aims of rehabilitation, correction, and expansion described in section 1. In view of the scope of that broad declaration, and of the nature of the few restrictions that are imposed, the discretion of the President in approving or prescribing codes, and thus enacting laws for the Government of trade and industry throughout the country, is virtually unfettered. We think that the code-making authority thus conferred is an unconstitutional delegation of legislative power.

Of course, the difference between the National Recovery Act and the present bill is that under the present bill the power delegated does not go to the President of the United States, but goes to a particular board created under the laws of the United States. However, Congress cannot vest that board with any more authority to exercise legislative power than it can the Chief Executive.

Another point with respect to which the recent opinion might be of help is the argument, which is usually made, that it is to the advantage of the people to do the thing which certain legislation is intended to do. The Supreme Court, in its opinion in the Schechter case, said:

> It is not the province of the Court to consider the economic advantages or disadvantages of such a centralized system. It is sufficient to say that the Federal Constitution does not provide for it. Our growth and development have called for wide use of the commerce power of the Federal Government in its control over the expanded activities of interstate commerce, and in protecting that commerce from burdens, interferences, and conspiracies to restrain and monopolize it. But the authority of the Federal Government may not be pushed to such an extreme as to destroy the distinction, which the commerce clause itself establishes, between commerce among the several States and the internal concerns of a State. The same answer must be made to the contention that is based upon the serious economic situation which led to the passage of the Recovery Act—the fall in prices, the decline in wages and employment, and the curtailment of the market for commodities. Stress is laid upon the great importance of maintaining wage distributions which would provide the necessary stimulus in starting the cumulative forces making for expanding commercial activity. Without in any way disparaging this motive, it is enough to say that the recuperative efforts of the Federal Government must be made in a manner consistent with the authority granted by the Constitution.

I now come to another point, and this is the important point in the proposed legislation. This measure, if valid under the Constitution, is valid because it is sought to regulate transactions in interstate commerce, because the commerce clause is the only grant of authority which we have to enact legislation. However, in this legislation it was

ingeniously intended by the draftsmen to substitute for interstate commerce transactions the statement that it was of national public interest. There is nothing in the Constitution which provides that by reason of certain activities being of important national interest the authority is given to Congress to control by legislation those particular activities. This bill, however, as I said, instead of deriving its authority from the regulation of interstate commerce, has sought to derive its authority from the declaration that what it dealt with was of national public interest. Our courts have passed on that.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. DIETERICH. I yield.

Mr. MINTON. Does not this bill simply recognize that the Congress is exercising the power granted under the commerce clause? It must find its power there, but when it finds its power there its justification for the exercise of that power must then be a public interest.

Mr. DIETERICH. The Senator has stated the correct principle of law, but I do not understand this bill as falling within his explanation, because it first sets out the fact that it deals with matters of important national interest. If it set out that what it intended to do was a regulation of interstate commerce, and then set up the manner in which these activities constitute a part of interstate commerce, it might be said that for that reason it was of national public interest that certain things should be done. The bill, however, is evasive in its positive declaration, and in many instances it declares activities to be interstate commerce which are not interstate commerce at all, such as the use of the mails and instrumentalities of interstate commerce. Instrumentalities of interstate commerce may be used for purposes and for activities which do not constitute interstate commerce.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DIETERICH. I yield.

Mr. WHEELER. Is the Senator familiar with the Grain Futures Act? If the Senator is familiar with that act, let me call his attention to the fact that the pending bill is patterned after it. In the Grain Futures Act the provision is laid down——

Mr. DIETERICH. Mr. President, I do not wish to be discourteous, but I should rather have the Senator wait until I am through. I wish to give my version of this question, and I do not care to have my speech contain the interruptions and the protests and the denials of my contentions. I understand that what I say may not be agreed to possibly by many Members of the Senate, but I wish to give the Senate the benefit of what I think this measure contains, and why I think this measure is obnoxious to our Constitution.

I again repeat that there are abuses which this bill presumably seeks to remedy, but, instead of remedying them, the bill uses the sentiment against those abuses for changing the situation entirely and, I think, eventually destroying the entire private ownership of utilities. That is my honest conviction. I am not saying that is the motive behind it, but I say that if the administration of this bill were given over to those who are inclined that way they could bring about those results.

On the question of national public interest I quote from *Wolff Packing Co.* v. *the Court of Industrial Relations of Kansas* (262 U. S. 536):

> It is manifest from an examination of the cases cited under the third head that the mere declaration by a legislature that a business is affected with a public interest is not conclusive of the question whether its attempted regulation on that ground is justified. The circumstances of its alleged change from the status of a private business and its freedom from regulation into one in which the public have come to have an interest are always a subject of judicial inquiry.

I now wish to give my attention to the bill, and I first call attention to the policy of the bill. Let us see what the policy is. Subsection (c) of section 1 says:

> It is hereby declared to be the policy of this title, in accordance with which policy all the provisions of this title shall be interpreted, to meet the problems and eliminate the evils connected with the public-utility holding company as enumerated in this section—

If it stopped there it might serve a useful purpose, and it might not be obnoxious to the Constitution; but it continues:

> and for the purpose of effectuating such policy to compel the simplification of public-utility holding-company systems and the elimination therefrom of properties—

What kind of properties?—

> not economically and geographically related in operations, and to provide at the end of 5 years for the elimination of the public-utility holding company except as otherwise expressly provided in this title.

What is a holding company? That becomes important in the consideration of the bill. The measure defines a holding company, and in the definition of holding company, attempted to be governed by the bill in the matter of registration, licensing, and control, it does not discriminate between those companies which are engaged in interstate commerce and those which are engaged in intrastate commerce, but it says:

> (7) "Holding company" means—
> (A) Any company which, either alone or in conjunction and pursuant to an arrangement or understanding with one or more other persons, directly or indirectly owns, holds, or controls 10 percent or more of the outstanding voting securities of a public-utility company or of a company which is a holding company by virtue of this clause or clause (B), unless the Commission, as hereinafter provided, by order declares such company not to be a holding company.

It may or may not be a holding company. There is nothing said there about any company engaged in interstate commerce—

> (B) Any person or persons which the Commission determines, after notice and opportunity for hearing, directly or indirectly to exercise such a controlling influence—

"Directly or indirectly to exercise such a controlling influence"—

> over the management or policies of any public-utility or holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person or persons be subject to the obligations, duties, and liabilities imposed in this title upon holding companies.

That provision leaves it absolutely to the discretion of the Commission to determine who shall come within the purview of the bill. They can say in the one case it is for the public interest that certain persons shall be subject to its provisions, while as to others similarly situated they may say it is not to the public interest that they shall be subject to the bill. In other words, it leaves it open so that the Commission can play whatever favorites they wish and make whatever discrimination they desire, using coercion upon one and refusing to use coercion upon another.

Then the bill gives a definition of subsidiary companies; and I say these things are important because they are what the legislation is addressed to. A subsidiary company is—

> (B) Any person the management or policies of which the Commission, after notice and opportunity for hearing, determines—

Determines what? Determines that it has certain properties? No—

> determines to be subject to a controlling influence, directly or indirectly, by a holding company or companies so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such person be subject to the obligations, duties, and liabilities imposed in this title upon subsidiary companies of holding companies.

Mr. MINTON. Mr. President, will the Senator yield? I do not wish to interrupt him if it is not convenient.

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Illinois yield to the Senator from Indiana?

Mr. DIETERICH. I yield to the Senator from Indiana.

Mr. MINTON. Mr. President, the Senator is quoting the definition of a holding company as stated in the bill. Of course, that is broad in its scope, but the Senator does not understand, does he, that every holding company that might be embraced within that definition is brought within the operations of the bill?

Mr. DIETERICH. Using the language of the bill, if, in the judgment of the Commission, it is "necessary or appro-

priate in the public interest for the protection of investors or consumers that such persons be subject to the obligations, duties, and liabilities imposed in this title."

That makes no distinction whether it is interstate or intrastate.

Mr. MINTON. That is right; but whether or not a holding company, so defined, comes within the purview of this measure depends upon whether or not it presents itself for registration, and it never presents itself for registration unless it wants to avail itself of the channels of interstate commerce or to use the mails in which to carry on its business, because——

Mr. DIETERICH. The Senator will readily concede that transacting business in interstate commerce is a different thing altogether from using the mails. In other words, I have an intrastate company located in my town and, if I do not register, I cannot send a letter to the city of Chicago; I cannot use the mails unless I come within the provisions of the bill. It is intended to coerce a utility to come within its provisions.

Now let me proceed a little further. A peculiar thing about this measure is that it duplicates the Securities Exchange Act. Half of this bill is absolutely unnecessary; more than half of this bill is covered by the Securities Exchange Act. We thought when we passed that act that we had corrected some of the evils which were complained of. The Securities Exchange Act provides in clause 10 of section 3 a definition of securities, from which I quote as follows:

The term "security" means any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement—

And so forth. It sets out identically the same things which are referred to in this bill as "securities." So we have a dual regulation, and this bill, so far as the argument that it purports to regulate the sale and protect the investor of securities is concerned, only complicates the act we have already passed and which is now in force. The argument for that bill is the controlling argument for this bill, and there cannot be any other argument for it. Before the present law is tested to ascertain what its effect will be upon the issuance of stocks and securities not only in interstate commerce but for the protection of our banking system, this bill should not be passed.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. DIETERICH. I yield.

Mr. MINTON. Is there anything in the Securities Exchange Act which would prevent the pyramiding of holding companies?

Mr. DIETERICH. There is nothing in this bill which will prevent the pyramiding of holding companies. The learned Senator from Nebraska [Mr. NORRIS] the other day made an argument the main point of which was the pyramiding of holding companies. There is nothing in this bill to prevent such pyramiding, unless the commission which is to administer the proposed act thinks it is necessary. They may destroy one holding company in the first degree and permit another one in the ninth degree if in their discretion the public interest so requires.

Then the bill proceeds to grant the power to make exceptions. I assume that these are all the exceptions that can be made. It is a settled rule of construction of statutes that when certain things are enumerated either to be within or excepted from a given measure that all those that are not excepted are included within the class and those that are not included and not specifically named are excepted.

I wish to call the attention of the Senate to section 3. It is the basis of this bill because it singles out those companies that may be excepted from the regulation provided.

SEC. 3 (a). The Commission, by rules and regulations or order, shall exempt any holding company, and every subsidiary company thereof as such, from any provision or provisions of this title, if and to the extent that it deems the exemption not detrimental to the public interest or the inerest of investors or consumers, if—

It does not specify any class that shall be exempt, but provides that they may be exempt depending upon the judgment of the Commission. In other words, this bill sets up over the utilities an arbitrary power; the Commission can use their discretion and do as they please; coerce utility companies for good or bad, or destroy them.

(1) Such holding company, and every subsidiary company thereof which is a public-utility company, are predominantly intrastate in character and carry on their business substantially in a single State in which such holding company and every such subsidiary company thereof are organized.

That is deceptive language. The Commission may do that. It does not direct that they "shall" do it, but they may do it if it deems that the exemption is not detrimental to the public interest.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DIETERICH. I do not like to be interrupted so as to break up the continuity of my remarks. I do not desire to be discourteous, but I should like to present my views on this bill and do so in a connected manner.

Again:

(2) Such holding company is predominantly a public-utility company operating as such in one or more contiguous States.

Then follow (3), (4), and (5), but the real grant of authority, the clause which gives them the right to play whatever favorites they desire, with no legal rule laid down, with no citizen and no investor knowing what his property rights are, or when or how he is going to be disturbed in the operation of his business, is contained in these words:

(b) The Commission may, by rules and regulations, conditionally or unconditionally exempt any specified class or classes of persons from the obligations, duties, or liabilities imposed upon such persons as subsidiary companies or affiliates under any provision or provisions of this title, and may provide within the extent of any such exemption that such specified class or classes of persons shall not be deemed subsidiary companies or affiliates within the meaning of any such provision or provisions, if and to the extent that it deems the exemption necessary or appropriate in the public interest or for the protection of investors or consumers.

No human being could know and no lawyer could advise his client as to what his rights would be under that particular clause of the bill.

Section 4 provides that "After October 1, 1935, unless a holding company is registered under section 5", it cannot do anything. While the provision then sets forth certain things the holding company must cease doing, it specifies things which, if it ceases doing, would compel it to discontinue its business. All the way through it does not refer to those engaged in interstate commerce, but ingeniously there have been inserted the words "If it uses the mails or the instrumentalities of interstate commerce." I may conduct a correspondence from my town to Chicago, purely intrastate, pertaining to nothing interstate, but in the use of the mails I am using the instrumentalities of interstate commerce. In other words, it is an attempt absolutely to nationalize and take away from the States every control they could possibly have over holding companies and other utilities.

The vicious part of the bill is section 11. That is the part which gives the Commission, following its whim, without any fixed rule, the absolute power to destroy; fixes the time in which the destruction shall be wrought, and provides in paragraph (3) that it shall be the duty of the Commission—

(3) Promptly after January 1, 1940, to require each registered holding company to take such steps (either by divesting itself of control, securities, or other assets, or by reorganization or dissolution, or otherwise) as the Commission finds necessary or appropriate to make such company cease to be a holding company.

That is the death sentence. Where has Congress been given the right by legislation to destroy an institution of this kind? Where has Congress been given the right to destroy the value of the investors' money legitimately and honestly invested in these enterprises? Yet the bill gives the Commission that arbitrary right and that arbitrary power.

These powers would be exercised with a great deal more fairness if the Government were not itself a competitor in this field. The Government, being a competitor in the field of utilities, owes every duty to be fair to the citizens with whom it is thrown in competition. If the Government as a competitor has the right to say where and how and when its

competitor may operate, there is no question what will happen to the utilities. That is the purpose behind the bill.

I am not going to take the time to go through all the provisions of the bill in detail. I shall point out merely a few more glaring ones. One of the most glaring provisions of the bill is found in section 20, page 79. I invite the particular attention of Senators to this provision.

Section 2 sets out a line of definitions and tells what is meant by a holding company, a subsidiary company, the term "person", and all other terms used in the bill. The legislature is doing that, but here is the delegation of power to the Commission:

SEC. 20. The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as it may deem necessary or appropriate to carry out the provisions of this title, including rules and regulations defining accounting, technical, and trade names used in this title.

In other words, the Commission can go back and, if they so desire, give the bill an entirely different meaning. They can enforce a rule today which will cause the dissolution of the company, and tomorrow, after the damage is wrought and some favorite appears upon the scene, rescind the rule.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. DIETERICH. I yield.

Mr. WHEELER. I think perhaps the Senator did not intend it, but he gave the impression that the Commission might change the definitions laid down in the bill.

Mr. DIETERICH. They are technical and trade terms, are they not?

Mr. WHEELER. No commission is authorized, under the terms of this bill or any other bill, to change the definitions laid down in the bill as a fundamental part thereof. Secondly, let me say to the Senator that this section was taken almost——

Mr. DIETERICH. I want to call the attention of the Senator, before he launches into that argument, that the two must be taken together. I call his attention to the provision in section 2 in which it is said that "when used in this title, unless context otherwise requires, the term 'person' shall mean", and so forth.

Mr. WHEELER. Of course.

Mr. DIETERICH. Unless the context and unless the Commission.

Mr. President, I do not want to be interrupted, nor do I desire to engage in a colloquy with the Senator. The Senator knows why we should not do that.

Mr. WHEELER. No; I do not know why we should not, but the Senator does not want to leave a wrong impression with the Members of the Senate. I called the Senator's attention to the fact that the language is the identical language appearing in and taken from the Securities Act.

Mr. DIETERICH. Mr. President, do I have to have this injected in the place in the RECORD which will contain my address?

Mr. WHEELER. The Senator can have it put at the end of his speech, if he desires.

Mr. DIETERICH. I desire to say to the Senator that I have tried to avoid this interruption. My disposition and my philosophies are so different from his that I have tried to avoid personalties in the discussion of the matter. He has the right to maintain any philosophy he desires, and I have a right to maintain mine.

Section 30, on page 89 of the bill, provides what is necessary in order that dissolutions, rearrangements, and liquidations shall be ordered, and the fields in which they shall operate:

The Federal Power Commission is authorized and directed to make studies and investigations of public-utility companies, the territories served or which can be served by public-utility companies, and the manner in which the same are or can be served, to determine—

What?—

the sizes, types, and locations of public-utility companies which do or can operate most economically and efficiently in the public interest, in the interest of investors and consumers, and in furtherance of a wider and more economical use of gas and electric energy; upon the basis of such investigations and studies the Federal Power Commission shall make public from time to time its recommendations as to the type and size of geographically and economically integrated public-utility systems which, having regard for the nature and character of the locality served, can best promote and harmonize the interests of the public, the investor, and the consumer. The Commission is authorized and directed to make a study of the functions and activities of investment trusts and investment companies, the corporate structures, and investment policies of such trusts and companies, the influence—

They are to make estimates of the influence—

exerted by such trusts and companies upon companies in which they are interested, and the influence exerted by interests affiliated with the management of such trusts and companies upon their investment policies, and to report the results of its study and its recommendations to the Congress on or before January 4, 1936.

In the bill the language "influence, directly or indirectly," is used. In other words, if the Senator from Montana and I were great friends, and we happened to be associated in the same business, the Commission could say, "Well, you boys will have to disengage yourselves; you are too intimate."

Mr. MINTON. They might recommend it, but they could not enforce it.

Mr. DIETERICH. That is true. That is why I say that the bill contains provisions which are so obnoxious to the law and the Constitution that they cannot be enforced. That is why the bill should be recommitted and sent to the Committee on the Judiciary, in order that the lawyers of the Senate may have an opportunity to study the provisions of the bill in the light of constitutional provisions.

In closing, I desire to say that I was very much interested in the able presentation made on yesterday by the senior Senator from Nebraska [Mr. NORRIS] and I was especially interested in it because I have full confidence in his honesty, and in his belief that what he is trying to do will promote a great public good. The Senator from Nebraska said that he saw no reason for a holding company beyond the third degree. Where does the bill place the degree? If something like that were said in the bill, and it prevented holding companies engaged in interstate commerce from existing beyond the third degree, we should know the character of the legislation upon which we are asked to pass; but all of the Senator's argument on that point does not fit the bill, because the bill may or may not cure those evils.

Another thing on which the Senator from Nebraska laid great stress was the matter of the interlocking directorate. That subject was very ably and very forcefully presented by him. I do not know any provision in the bill which prevents interlocking directorates. There is not a provision of the bill which does that.

Those were the two subjects on which the Senator from Nebraska based his entire argument, and produced his charts to confirm it; yet in the very measure to which he was addressing himself there is not a single provision that gives any guarantee that the abuses of holding companies beyond the third degree and interlocking directorates will be done away with in the future.

The only place in the bill which speaks of interlocking directorates, to which I desire lastly to call the attention of the Senate, is the amendment to section 303 of the Water Power Act, found in part II of the bill, at page 136. I call attention to that provision, as follows:

After 6 months from the date on which this part takes effect, it shall be unlawful for any person to hold the position of officer or director of more than one licensee and/or public utility subject to this act—

Of course, meaning the Water Power Act—

unless the holding of such positions shall have been authorized by order of the Commission, upon due showing in form and manner prescribed by the Commission, that neither public nor private interests will be adversely affected thereby. The Commission shall not grant any such authorization to a person holding such positions on the date on which this part takes effect, unless application for such authorization is filed with the Commission within 60 days after that date.

When did the Commission abridge the provisions of section 2, article IV, of the Constitution, which says that—

The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States?

When did the Commission get to the point of saying that I cannot own a farm in Illinois, and one in Iowa, and one in Michigan? What authority have they to say that I cannot make my investments in every State in the Union, and, with those investments, hold any office that it is proper for me to hold as an investor? Yet this bill, seeking to regulate and destroy holding companies, contains no provision which says anything about interlocking directorates or a multiplicity of directorates.

I think that is all I have to present to the Senate upon this particular measure. As I have said, I think there is a necessity for legislation dealing with holding companies which have been promotional schemes, holding companies which have no useful function in the service of the utility, and whose only purpose is manifestly that of collecting revenue.

This bill, however, does not remedy that condition. The bill should be recommitted, and referred to the Committee on the Judiciary, in order that the able lawyers of the Senate—of course, excluding myself, and including the able Senator from Nebraska [Mr. NORRIS] and the Chairman of the Judiciary Committee [Mr. ASHURST]—may study it with a view of seeing if out of it they cannot comply with that which the President of the United States desires to have complied with. Now and then it has been intimated that he is back of this measure. If so, he has not been informed as to what its provisions are. He desires a regulation of utility companies; he desires to have the racket squeezed out of this kind of investment. This bill takes that pretext and builds another bureau to hamper business, and sets over a legitimate business, which has developed itself, the most arbitrary, tyrannical, unreasonable, and lawless rule that could possibly be imagined.

Mr. HASTINGS obtained the floor.

Mr. DICKINSON. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. DICKINSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Coolidge	La Follette	Radcliffe
Ashurst	Copeland	Lewis	Reynolds
Austin	Costigan	Logan	Robinson
Bachman	Couzens	Lonergan	Russell
Bailey	Dickinson	McAdoo	Schall
Bankhead	Dieterich	McCarran	Schwellenbach
Barbour	Donahey	McGill	Sheppard
Barkley	Duffy	McKellar	Shipstead
Black	Fletcher	McNary	Smith
Bone	Frazier	Maloney	Steiwer
Borah	George	Metcalf	Thomas, Okla.
Brown	Gerry	Minton	Thomas, Utah
Bulkley	Gibson	Moore	Townsend
Bulow	Glass	Murphy	Trammell
Burke	Guffey	Murray	Truman
Byrd	Hale	Neely	Tydings
Byrnes	Harrison	Norbeck	Vandenberg
Capper	Hastings	Norris	Van Nuys
Caraway	Hatch	Nye	Wagner
Carey	Hayden	O'Mahoney	Walsh
Chavez	Johnson	Overton	Wheeler
Clark	Keyes	Pittman	White
Connally	King	Pope	

The PRESIDING OFFICER (Mr. BURKE in the chair). Ninety-one Senators having answered to their names, a quorum is present.

Mr. HASTINGS. Mr. President, the bill now pending before the Senate consists of 151 pages. It is not only a very long bill but a very complicated one. It involves a subject in which the public is greatly interested.

The publicity to which the holding companies have been subjected for several years is one that is wholly justified, and the evils which have come from practices of some holding companies are undcubtedly properly condemned. I take it that no Member of Congress would attempt to justify some of the practices which have been indulged in. I certainly have no intention, in the discussion of this matter, of attempting to make any such justification. My interest in the bill is not because I have an interest in holding companies generally.

It seems to me that no person who reads the bill carefully, and more than once, as would be necessary in order thoroughly to understand it, can reach any other conclusion than that it goes away beyond that which is necessary, that which is desirable, or the extent to which the Constitution permits us to go.

Someone has said that the utility holding companies which took advantage of the public have taken two-thirds of the public's savings, and now the Congress comes along and proposes to take away the other third. Whether or not that be true is not of the greatest importance to me. I know, as every other Member of the Senate knows, that the proposal of this legislation has caused great distress to millions of people in this country. I agree that it has caused apprehensions which probably will not be realized by the persons who have had their fears aroused. But when the Congress begins to legislate upon a subject in which the people generally have a great interest and a large investment, there is bound to come to the minds of the people an uncertainty as to the investments which they have.

In many instances, in thousands if not millions of instances, we shall find that fear of the effect this bill will have will cause, indeed, has caused, those people to go headlong to their brokers' offices or to their bankers and insist upon disposing of their utilities stock, regardless of what they may be able to get for it. That of itself, of course, is disturbing to them and disturbing to the country, and, in my judgment, does not add anything to the progress of the Nation.

I have no intention today or at any other time to undertake to defend some of the practices which have grown up under and through the efforts of the great holding companies, but I call attention to the fact that for the development of the holding companies in the utility field there has been some excuse and some good reason, and, notwithstanding what may be said against them, it is undoubtedly true that the holding companies are largely responsible for the great progress which has been made in the public-utilities field. I call attention to this fact not for the purpose of defending the bad practices but for the purpose of showing that when great progress is made by the country as a whole along any particular line bad practices are bound to creep in in connection with financial operations which are responsible for such progress.

If I may use as an illustration the Henry Ford organization, which began with little money and has developed until it is one of the great industries of the Nation, if not the greatest; I call attention to the fact that it was not necessary for Henry Ford to offer to the public any securities of that industry; it was not necessary for him to do anything except to plow back into the industry the profits he was making from year to year. That is not only true of that one industry but it is true of most of the great industries of the Nation. They refinance at times and they call into their business money from the outside, but frequently the great development comes from using the profits which are made.

In the utility industry, however, the situation is entirely different. There cannot be any great profits in the utility industry. It is a semipublic business serving the public. The charter under which the industry was organized created a monopoly in the particular place where the industry operated. Because of such monopoly the industry is properly controlled, usually, and, so far as the electric and gas utilities are concerned, it has been controlled up to this time by the State agencies and by the State commissions which are created for that particular purpose. What do the State agencies permit them to do? The State agencies permit them to earn only a reasonable sum upon the amount invested.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. WHEELER. Is it not a fact that holding companies are not only permitted to earn upon the amount invested but they have made their profit by their service charges and their construction contracts, by means of which they have literally exploited the operating companies? Furthermore, such charges have been charged up to the consuming public, and the State commissions have been unable to reach the holding companies because they were organized outside of the State. That is the way in which the superholding company got its money. It got its money not from dividends

but from the contracts and other operations which were disclosed by the Federal Trade Commission.

Mr. HASTINGS. The question asked by the Senator from Montana does not touch the point I am discussing, and a little later I shall make reference to it and undertake to answer it.

The point I was making was that it is not possible to develop an industry, as the utility industry has been developed in America during the last 25 years, by taking the profits it has made from the people it served and putting them back into the industry and enlarging it. That was the sole point I was making up to that point. For that reason it has become necessary, in order to reach this great development, not only in amounts of money involved but in respect to the millions of people who are served, to go to the public and get new money for the expansion of these industries.

The holding company was created in the first instance and has been developed because of that necessity, which was apparent years ago. It became necessary for the holding company—for instance, in order to develop a new industry or to enlarge an old industry—to offer the public a diversification in the investment which it made. That could only be done through the holding company. The fact that the holding company, which had for its original purpose the development of an American industry, and had originally a purpose which nobody could particularly complain of, has since that time, because of the greed which runs with human nature, permitted certain abuses to grow up, and has caused intermediary companies which it has organized and controlled to charge to the operating companies larger sums for service than they ought to charge, is not a good reason why one should say it is in the interest of the public to get rid of the holding company as an institution.

The bad practices which have grown up ought to be corrected. It is perfectly possible for the Congress to assist the States in correcting those evils, but I submit that it is not necessary in order to correct them that the American Congress shall say by a congressional fiat that the holding company as an institution must be abolished.

Mr. President, I do not propose to go further than that with respect to defending the holding company.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Idaho?

Mr. HASTINGS. I yield.

Mr. BORAH. Will the Senator before he concludes say something about the necessity of the existence of the second and third and fourth holding companies? I follow the Senator with reference to a holding company—the first holding company and possibly a second. We have the holding companies running to 4 or 5 or 6 or more.

Mr. HASTINGS. I do not think, Mr. President, I would undertake to defend that at all. I do not know enough about it, and I am not familiar enough with all the evidence which was brought before the committee to be able to answer that question, but so far as I am concerned I see little or no excuse for it at all.

The chairman of the committee, who has charge of this bill, has on more than one occasion during his address to the Senate explaining the bill complained about the propaganda against the bill, and when Senators asked questions with respect to it he insisted that they had been misled by the propaganda of utility companies who spread it deliberately for the purpose of deceiving people. That may be true. I do not know whether it is true or not, but I say that the querying and the misunderstanding about this bill does not necessarily arise by reason of propaganda. The querying and the impossibility of understanding the bill arises from the lack of superior intelligence. No ordinary man can understand this bill by reading it only once. It is only after intense study that one can understand it; it is only after intense study that one can come to a conclusion as to what the proponents of this bill intend to do by it.

The distinguished Senator from Montana [Mr. WHEELER], on the first day when addressing the Senate, had this to say:

> If the Senate of the United States does not have the courage to enact legislation eliminating these great holding companies because of the fact that they have brought so much pressure to bear, and because of the fact that their agents are here seeking to intimidate Members of Congress, pleading with them and cajoling them and having their employees writing Members and threatening them—if the power of the Congress is not strong enough, if the Congress cannot have courage enough, to eliminate these unnecessary evils in the form of large holding companies which have no place in our economic system, as I shall point out, then certainly we cannot expect any commission of the Government effectively to regulate them.

Mr. President, I submit to the Senator from Montana that the statement in his speech which I have quoted is not justified. I say to him and to every Member of this body that I am not in any sense controlled by any propaganda; I am not in any sense controlled by any fear with respect to what will happen in case I do not support this bill or in case I do support it. My conviction that this bill ought not to pass goes beyond that. My conviction that it ought not to pass is because it violates important American principles which we have heard so much about during the past 10 days and which were so clearly emphasized by the distinguished Senator from Idaho [Mr. BORAH] on last Sunday night.

It seems to me it is pretty nearly time that the Congress itself should become Constitution-minded; it seems to me it is pretty nearly time that the Members of the Congress, including those who are not lawyers and who frequently excuse themselves upon the theory that they are not lawyers and therefore not called upon to say whether or not a proposed act is constitutional, should assume their obligations. I submit to any man who will take time to study this bill for a week, as it would be necessary for him to do, whether he be a lawyer or whether he be a layman, that he cannot reach any other conclusion than that the bill itself, not in one particular but in many particulars, violates the Constitution of the United States, and I further call attention to the fact that, like the members of the Supreme Court, each of us has taken an oath to support the Constitution.

So, regardless of what we may think about what the holding company has done, regardless of how much injury it may have caused innocent investors, regardless of all that, I say we must find, if we are to correct the abuses that exist, the constitutional way to do it or we must admit to the country that there is nothing that we can do.

Mr. President, that is my sincere and honest belief, and I am prepared to discuss the question with anyone and to answer any questions that anyone may care to ask me with respect to it. I wish, however, to read to the Senate as my positive conclusion with respect to the matter a brief statement, and I do it for the purpose and with the hope that Senators will give consideration to it and will point out to me, if they can, where there be mistakes in it.

This bill is unconstitutional because:

First. It does not limit congressional control to corporations engaged in interstate commerce.

Second. It undertakes to bring within the control of Congress the entire business of a corporation merely because such corporation is engaged in transactions outside the State in which it is located.

Third. It assumes that a holding company is engaged in interstate commerce merely because it directly or indirectly controls operating companies in two or more States, although such operating companies are not engaged in interstate commerce.

Fourth. It prohibits the use of the United States mails to legitimate business.

Fifth. The business of all holding companies is outlawed by the bill upon the theory that their business is used as an agency to promote dishonesty, or the spread of an evil or harm to the people of other States from the State of origin.

Sixth. There is no effort here to declare certain things dealt in and transferred from State to State to be harmful and therefore prohibited, but the prohibition goes, and the facilities are withheld from a certain class of persons and corporations engaged in doing the things and using the facilities.

Seventh. Congress cannot eliminate a legitimate business by withholding from it the use of the mails and the facilities of transportation unless such elimination is necessary to prevent the free flow of interstate commerce.

Eighth. The bill contradicts itself by making special provision for holding companies "for the operations of a geographically and economically integrated public-utility system serving an economic region in a single State or extending into two or more contiguous States or into a contiguous foreign country" (p. 45).

Ninth. There is an unlawful delegation of power.

Tenth. In the provision for the regulation of electric utility companies engaged in interstate commerce, provision is made for the "production of electric energy" which under the Supreme Court decisions is purely intrastate, subject to State taxation and control.

Mr. President, these, briefly, are, in my judgment, the constitutional objections to the pending bill.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Montana?

Mr. HASTINGS. I yield.

Mr. WHEELER. I do not want to let the Senator's statement go unchallenged at this time although, I will not now, of course, go into it. I wish merely to say to the Senator that I can take up the most of the points he has urged as grounds for the unconstitutionality of the pending bill; and I am satisfied I can convince him that the Supreme Court in every instance where such a question has arisen has held that the constitutional grounds by which he urges to show that the bill is unconstitutional are substantially incorrect. I am not going at this time to take up specifically each item, but I suggest to the Senator that I will take them up before the conclusion of the argument.

Mr. HASTINGS. Mr. President, I express the hope that the Senator will do exactly what he states, because, to my mind, this matter is of such great importance that nobody ought to be hurried to a decision but everybody ought to have an opportunity to study this measure fully from its beginning to its end; and I certainly shall be delighted to have the Senator answer all the arguments I may make. I wish, however, to call his attention to one case which, in my judgment, is conclusive upon this whole subject. If he can answer that one case—I refer to the employers' liability case—then I shall be, indeed, surprised. So far as I know, the Supreme Court has never answered it, and it has never been answered in any other place.

But, Mr. President, let me, in the beginning, point out what I think this bill might do, and, so far as I know, all that it might do along this line.

The Congress undoubtedly has the authority to regulate rates charged by public utilities engaged in interstate commerce. It undoubtedly has authority to require such public utilities to furnish all information and do the necessary things in order that proper rates may be established. To that end it might provide that:

(a) Every public utility engaged in interstate commerce shall on or before October 1, 1935, register in the manner provided herein.

(b) Every holding company, which, directly or indirectly through stock ownership, controls a public utility engaged in interstate commerce and which by contract or otherwise participates in the interstate transactions of such public utility, shall on or before October 1, 1935, register in the manner provided herein.

Mr. President, I wrote those two sections after I had listened to the distinguished Senator from Tennessee inquire of the chairman of the committee who has charge of the pending bill, whether or not he could write into the bill a clear provision that it should apply only to interstate commerce. Following that suggestion, I undertook to write such a provision; this is as near as I could come to it; and I myself am a little doubtful whether the second paragraph is within our rights.

However, we do have the opinion of one I believe to be a great judge, the senior district judge in the southern district of New York, Judge Knox; whose opinion has been quoted by the distinguished chairman of the committee, and which has been relied upon by him; but how the Senator from Montana reaches the conclusion he does from reading Judge Knox's opinion is something that I cannot quite understand. I propose a little later to read from that opinion at some length.

Mr. BORAH. Mr. President——

Mr. HASTINGS. I yield to the Senator from Idaho.

Mr. BORAH. In connection with the statement by the Senator of the things which he thinks Congress might do, I should like to ask a question. Assuming that a holding company is engaged in interstate commerce in the sense in which the Senator has defined it, would not the Congress, if it thought that such holding company was an embarrassment or a burden or an injury to interstate commerce have power to control it in all its particulars; and if it thought it was a burden in the sense that it was a third or fourth or fifth holding company, then would not the Congress have the right to terminate its existence?

Mr. HASTINGS. I should say "no" in answer to that question.

Mr. BORAH. If it is engaged in interstate commerce and is a burden to interstate commerce, I do not see why the Congress would not have the right to remove the burden.

Mr. HASTINGS. I shall answer that question a little later and quite fully. I think there must be borne in mind with respect to a part of the question asked by the distinguished Senator a point which has been overlooked by many Senators, it seems to me, in view of the questions they ask, and that is that merely because a corporation or a person is engaged in interstate commerce, it does not mean that the Congress may lay its hands upon it and control it in all the business it performs. That is so clearly laid down in the employers' liability case that there can be no question about it.

Of course, the cases which have been mentioned by the distinguished Senator from Montana, where holding companies have been practically wiped out by the decisions of the Supreme Court, do not in any sense compare with the questions we have before us at this time, because the questions with which the Congress was there dealing were clear questions of control of interstate commerce. All of them went to the point of the entering into a conspiracy by those persons upon whom the courts laid their hands. The courts reached the conclusion in all those instances that the companies had entered into a conspiracy to do a certain thing which strongly and violently interrupted the free play of commerce.

Here the situation is entirely different. Here there is no such situation. We resort to the interstate-commerce clause merely for the purpose of seizing upon the corporation. Having gotten our hold upon the corporation which is transmitting its mail from one State to another—and that is the basis of the contention that it is interstate commerce—or transmitting its contracts from one State to another, all of which is, of course, interstate commerce, the contention is made that having laid our hands upon it because it is so engaged, hence, with our hands upon it, we can control all its activities regardless of whether it is interstate control or intrastate control.

Mr. WHEELER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Montana?

Mr. HASTINGS. I yield.

Mr. WHEELER. First let me say to the Senator that in the Reading case, as in each one of the other cases, the reason why Congress could take jurisdiction over the companies was because of the fact that they were engaged in interstate commerce. In the Hepburn Act we laid down the principle that certain things were prohibited by law. The only reason why we could prohibit them was because of the fact that the companies were engaged in interstate commerce. Having jurisdiction of them because of the fact they were engaged in interstate commerce we went to the point of saying that the holding company doing these things could be dissolved.

The same thing was true, I may say to the Senator, with reference to the cases involving trading in futures dealt with in the Grain Futures Act. In that act Congress said certain definite things were affected with a national public interest, exactly as we say in the bill now before us. The Supreme Court first held, as a matter of fact, in a case involving the Futures Trading Act that we could not lay a tax in such case, but said in passing upon the second Grain Futures Act, that while under the act the trading in futures was not in itself an interstate transaction, yet because of the fact that it did affect the national policy and was against the public interest and did affect interstate commerce, we could prohibit it. The Court upheld the act, Chief Justice Taft rendering the decision.

Mr. HASTINGS. Mr. President, I think just here, rather than at the place where I expected to use it in the course of my argument, I shall read at length from this opinion. I ask Senators to follow it carefully and to see how nearly it fits the case now before us and how many things which are said in the opinion show conclusively that we have no authority to do what we are trying to do in this bill.

This is the Employers' Liability case reported in Two Hundred and Seventh United States Reports, and I am reading from page 492:

All the questions which arise concern the nature and extent of the power of Congress to regulate commerce. That subject has been so often here considered and has been so fully elaborated in recent decisions, two of which are noted in the margin, that we content ourselves, for the purposes of this case, with repeating the broad definition of the commerce power as expounded by Mr. Chief Justice Marshall in *Gibbons* v. *Ogden*.

The Senator from Idaho is thoroughly familiar with that case.

"We are now arrived at the inquiry, What is this power?"

This is pretty old, but I think the recent decisions of the Supreme Court still show that it is good.

"It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. * * * If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States."

Accepting, as we now do and as has always been done, this comprehensive statement of the power of Congress, we also adopt and reiterate the perspicuous statement made in the same case of those matters of State control which are not embraced in the grant of authority to Congress to regulate commerce:

"It is not intended to say that these words comprehend that commerce, which is completely internal, which is carried on between man and man in a State, or between different parts of the same State, and which does not extend to or affect other States. Such a power would be inconvenient and is certainly unnecessary. Comprehensive as the word 'among' is, it may very properly be restricted to that commerce which concerns more States than one. * * * The genius and character of the whole Government seem to be that its action is to be applied to all the external concerns of the Nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which do not affect other States and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the Government."

That was John Marshall speaking in Gibbons against Ogden. The Court in this case said:

We think the orderly discussion of the question may best be met by disposing of the affirmative propositions relied on to establish that the statute conflicts with the Constitution.

In the first place, it is asserted that there is a total want of power in Congress in any conceivable aspect to regulate the subject with which the act deals. In the second place it is insisted the act is void, even although it be conceded, for the sake of argument, that some phases of the subject with which it is concerned may be within the power of Congress, because the act is confined not to such phases, but asserts control over many things not in any event within the power to regulate commerce.

Mr. WHEELER. Mr. President, will the Senator yield just for a question?

Mr. HASTINGS. I yield.

Mr. WHEELER. I am wondering from which case the Senator is reading. I did not catch the citation.

Mr. HASTINGS. Two Hundred and Seventh United States Reports, page 463.

Mr. WHEELER. Is that from the decision on the first railroad employees' liability act, or the decision on the second one?

Mr. HASTINGS. This is the one with which I am familiar. I do not know whether it is the first or the second.

Mr. WHEELER. There were two decisions by the Supreme Court of the United States. I am not sure to which one the Senator is calling attention, but there were two decisions on the acts. The first one held the first act unconstitutional, and the second decision held that the second act was constitutional.

Mr. HASTINGS. This must be the decision on the first act.

Mr. WHEELER. The Supreme Court held that the second railroad employees' liability act was constitutional; and in substance, it seemed to me, without expressly saying so, it completely changed its views with reference to the subject, in 223 U. S. 1.

Mr. HASTINGS. There is some language here to which I desire particularly to call attention, because it touches on more than one point involved in this argument.

Mr. BLACK. Mr. President——

Mr. HASTINGS. I yield to the Senator from Alabama.

Mr. BLACK. I did not clearly understand the Senator's position; but I understood him to state that he fully agreed with the interpretation of the commerce clause as he read the quotation from Gibbons against Ogden.

Mr. HASTINGS. Yes.

Mr. BLACK. And the Senator thinks that is still a clear exposition of the law, and that the Government has all the power indicated in the quotation he read from the opinion in Gibbons against Ogden?

Mr. HASTINGS. I have not any doubt of it.

Reading further from Two Hundred and Seventh United States Reports:

(1) The proposition that there is an absolute want of power in Congress to enact the statute is based on the assumption that as the statute is solely addressed to the regulation of the relations of the employer to those whom he employs and the relation of those employed by him among themselves, it deals with subjects which cannot under any circumstances come within the power conferred upon Congress to regulate commerce.

As it is patent that the act does regulate the relation of master and servant in the cases to which it applies, it must follow that the act is beyond the authority of Congress if the proposition just stated be well founded. But we may not test the power of Congress to regulate commerce solely by abstractly considering the particular subject to which a regulation relates, irrespective of whether the regulation in question is one of interstate commerce. On the contrary, the test of power is not merely the matter regulated, but whether the regulation is directly one of interstate commerce, or is embraced within the grant conferred on Congress to use all lawful means necessary and appropriate to the execution of the power to regulate commerce. We think the unsoundness of the contention that because the act regulates the relation of master and servant it is unconstitutional, because under no circumstances and to no extent can the regulation of such subject be within the grant of authority to regulate commerce is demonstrable. We say this because we fail to perceive any just reason for holding that Congress is without power to regulate the relation of master and servant, to the extent that regulations adopted by Congress on that subject are solely confined to interstate commerce, and therefore are within the grant to regulate that commerce or within the authority given to use all means appropriate to the exercise of the powers conferred. To illustrate: Take the case of an interstate railway train—that is, a train moving in interstate commerce—and the regulation of which, therefore, is in the nature of things a regulation of such commerce. It cannot be said that because a regulation adopted by Congress as to such train when so engaged in interstate commerce deals with the relation of the master to the servants operating such train, or the relations of the servants engaged in such operation between themselves, that it is not a regulation of interstate commerce. This must be, since to admit the authority to regulate such train, and yet to say that all regulations which deal with the relation of master and servants engaged in its operation are invalid for want of power would be but to concede the power and then to deny it, or at all events to recognize the power and yet to render it incomplete.

Because of the reasons just stated we might well pass from the consideration of the subject. We add, however, that we think the error of the proposition is shown by previous decisions of this Court. Thus the want of power in a State to interfere with an interstate commerce train, if thereby a direct burden is imposed upon interstate commerce, is settled beyond question. * * *

2. But it is argued, even though it be conceded that the power of Congress may be exercised as to the relation of master and servant in matters of interstate commerce, that power cannot be lawfully extended so as to include the regulation of the relation of master and servant, or of servants among themselves, as to things which are not interstate commerce. From this it is insisted the repugnancy of the act to the Constitution is clearly shown, as the face of the act makes it certain that the power which it asserts extends not only to the relation of master and servant and servants among themselves as to things which are wholly interstate commerce, but embraces those relations as to matters and things domestic in their character and which do not come within the authority of Congress. To test this proposition requires us to consider the text of the act.

From the first section it is certain that the act extends to every individual or corporation who may engage in interstate commerce as a common carrier. Its all-embracing words leave no room for any other conclusion. It may include, for example, steam railroads, telegraph lines, telephone lines, the express business, vessels of every kind, whether steam or sail, ferries, bridges, wagon lines, carriages, trolley lines, etc. Now, the rule which the statute establishes for the purpose of determining whether all the subjects to which it relates are to be controlled by its provisions is that anyone who conducts such business be a "common carrier engaged in trade or commerce in the District of Columbia, or in any Territory of the United States, or between the several States", etc. That is, the subjects stated all come within the statute when the individual or corporation is a common carrier who engages in trade or commerce between the States, etc. From this it follows that the statute deals with all the concerns of the individuals or corporations to which it relates if they engage as common carriers in trade or commerce between the States, etc., and does not confine itself to the interstate commerce business which may be done by such persons. Stated in another form, the statute is addressed to the individuals or corporations who are engaged in interstate commerce and is not confined solely to regulating the interstate commerce business which such persons may do—that is, it regulates the persons because they engage in interstate commerce and does not alone regulate the business of interstate commerce.

That is a point, Mr. President, which exactly fits in with this bill. That is exactly what we are doing here. We are regulating the holding company, and not the business of the holding company.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. WHEELER. Does the Senator contend that if a corporation is part of a system which is engaged in interstate commerce, but the corporation itself is not engaged in interstate commerce, the Congress cannot regulate the business of the concern which is not engaged in interstate commerce? Is that the position the Senator takes?

Mr. HASTINGS. It is, speaking generally, with some exceptions.

Mr. WHEELER. Let me call attention to the fact that the Supreme Court has directly passed upon that question.

Mr. HASTINGS. Does the Senator mean in the Terminal case?

Mr. WHEELER. Yes.

Mr. HASTINGS. Of course, the Terminal case does not touch this case, side or bottom. There is no comparison between the two, and the Terminal case cannot reasonably be cited to sustain this proposed legislation.

Mr. WHEELER. Let me call attention also to the fact that the case just cited by the Senator from Delaware, as I pointed out a moment ago, was explained in a subsequent case by the Supreme Court, wherein they expressly upheld the law with reference to the very subject about which the Senator is reading. I am sure the Senator is familiar with the decision, because many cases have been similarly decided.

The Senator will recall the history of that legislation. First, the law which he is talking about was passed, and the Supreme Court held it was unconstitutional. The matter came back here, and we passed another law almost identical with the first one, and the Supreme Court explained its first decision and held the second law constitutional.

Mr. HASTINGS. I have forgotten that particular case, but I do not think anyone will dispute the soundness of some of the language used in this case.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. McGILL in the chair). Does the Senator from Delaware yield to the Senator from Idaho?

Mr. HASTINGS. I yield.

Mr. BORAH. I do not know that I followed the Senator in the application of this opinion to the bill under consideration. The Senator cited authority to the effect that Congress could not regulate the personal affairs of individuals simply because some one of them was engaged in interstate commerce—that is to say, if his act was separate from anything connected with interstate commerce. Is that the effect of the decision?

Mr. HASTINGS. Let me again read the last sentence:

Stated in another form, the statute is addressed to the individuals or corporations who are engaged in interstate commerce and is not confined solely to regulating the interstate-commerce business which such persons may do—that is, it regulates the persons because they engage in interstate commerce and does not alone regulate the business of interstate commerce.

Mr. BORAH. Exactly. That decision holds that Congress cannot regulate the conduct of individuals among themselves simply because they may be engaged in interstate commerce.

Mr. HASTINGS. That is correct.

Mr. BORAH. How does that apply to this bill?

Mr. HASTINGS. This bill itself is not directed to the bad practices that have grown up among holding companies. It is directed wholly at the holding companies themselves.

Mr. BORAH. But it is directed only to holding companies which are engaged in interstate commerce.

Mr. HASTINGS. That I dispute.

Mr. BORAH. That is my understanding. There is a difference between the Senator and myself in that respect.

Mr. HASTINGS. Reading further from this opinion, a few sentences here will show how well it fits in with what is attempted to be done here, and what the Supreme Court says cannot be done:

And the conclusion thus stated, which flows from the text of the act concerning the individuals or corporations to which it is made to apply, is further demonstrated by a consideration of the text of the statute defining the servants to whom it relates.

I do not wish to take the time of the Senate to read more from this opinion than is necessary.

Mr. BORAH. The Senator claims that that case is determinative of this matter?

Mr. HASTINGS. I do.

Mr. BORAH. Then I think the Senator ought to take his time.

Mr. HASTINGS. Reading further from the opinion:

Thus the liability of a common carrier is declared to be in favor of "any of its employees." As the word "any" is unqualified, it follows that liability to the servant is coextensive with the business done by the employers whom the statute embraces; that is, it is in favor of any of the employees of all carriers who engage in interstate commerce. This also is the rule as to one who otherwise would be a fellow servant, by whose negligence the injury or death may have been occasioned, since it is provided that the right to recover on the part of any servant will exist, although the injury for which the carrier is to be held resulted from "the negligence of any of its officers, agents, or employees."

The act then being addressed to all common carriers engaged in interstate commerce, and imposing a liability upon them in favor of any of their employees, without qualification or restriction as to the business in which the carriers or their employees may be engaged at the time of the injury, of necessity includes subjects wholly outside of the power of Congress to regulate commerce. Without stopping to consider the numerous instances where although a common carrier is engaged in interstate commerce such carrier may in the nature of things also transact business not interstate commerce, although such local business may indirectly be related to interstate commerce, a few illustrations showing the operation of the statute as to matters wholly independent of interstate commerce serve to make clear the extent of the power which is exerted by the statute.

Bear in mind that in the bill now pending it is proposed, if it is possible to link the companies up to interstate commerce, that the Government can take hold of them and control them in all of their business, regardless of whether all of their business is interstate or not.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. BORAH. As I understand, the bill does not undertake to regulate all holding companies, but only such holding companies as are engaged in interstate commerce.

Mr. HASTINGS. Mr. President, with the exception of a holding company that owns and controls operating com-

panies in a single State, which may be exempted by the Commission under the terms of the bill, it is not possible for a holding company to exist without being engaged in interstate commerce, under the bill, in the sense that they deal with each other across State lines, which to my mind is wholly outside of the regulatory power of the Congress.

The contention here is, and it is broadly stated—I think I can find the quotations from the speech made in the Senate by the chairman of the committee—the bold contention is made here that the mere ownership, directly or indirectly, by one corporation of stock in another corporation, an operating company located in another State constitutes interstate commerce, upon the theory that they cannot own the stock and deal with the company unless they pass across the State line, either through the mails or by other facilities of interstate commerce, and that that constitutes interstate commerce.

It may be that it is interstate commerce, in the sense that it is a dealing between one State and another, but it is not the kind of commerce which the Congress can control. The companies have a perfect right to use the mails for that sort of thing. They have a perfect right to use the Adams Express Co. for that sort of thing. There cannot be any prohibition against it unless it can be shown—and I shall undertake to demonstrate that that is the contention here—that the holding company itself in all of its dealings is the kind of thing that must be a contraband of commerce and must be outlawed, and, therefore, the Government has a right to control it. I admit that with respect to commerce which is contraband, or what is supposed to be commerce until it is contrabanded, it may be regulated and prohibited, and the companies conducting it may be put out of business.

I have forgotten just what the Senator from Idaho asked me. I branched off on another subject.

Mr. BORAH. I think the Senator answered my question. I confess my inadequate knowledge of the bill, but as I understand the measure from my reading, and also from asking questions of the chairman of the committee in charge of the bill, the intention of the bill is to limit the control of the Commission to those holding companies which are engaged in interstate commerce.

Mr. HASTINGS. Mr. President, I may say to the Senator that the chairman of the committee repeated that so many times in his speech that we cannot have any other conception of what his notion is about the bill; but I think I shall be able to show that he is entirely wrong, and that it is not so limited, but that it goes the whole length of attempting to prevent anybody from doing anything with respect to a holding company, with certain exceptions.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. WHEELER. I have repeatedly stated that a holding company is denied the right of the use of the instrumentalities of interstate commerce unless it registers.

Mr. HASTINGS. Yes.

Mr. WHEELER. We did expressly the same thing in the case of the attempt to regulate trading in futures. There was nothing unlawful about trading in futures. The difference between the Senator and myself is that he seems to take the position that there must be something inherently unlawful in an interstate business before Congress can take charge of it. I disagree with the Senator with reference to such a contention. I contend that if the Congress states that a company is unlawful, providing it is engaged in interstate commerce, then we can take charge of it, and we can say that this abuse or that abuse is wrong if the company guilty of it is engaged in interstate commerce. If the companies are not engaged in interstate commerce, then, of course, they will be exempt under the bill, and any court, if it holds that they are not engaged in interstate commerce, will exempt them, and no power of Congress can put them under the provisions of the pending measure if they are not engaged in interstate commerce.

Mr. HASTINGS. Mr. President, there is hardly a business in the country, conducted by anyone, some activities of which are not interstate. Section 4 of the bill undertakes to provide that it shall be unlawful to do certain things unless the companies are registered. It prohibits them from doing almost anything unless they are registered.

The difficulty is that a company may be compelled to admit that it is engaged in interstate commerce in the sense that it is conferring and communicating with people in other States and with corporations in other States. The theory of the bill is that if the companies can be forced into a position where they admit that they are dealing across State lines, or communicating with their subsidiaries across State lines, merely because of that one thing, they are compelled to register, and having been compelled to register, they are then forced to live up to all the obligations which the Commission may impose upon them with respect to their entire business.

The stock-exchange bill has been cited many times, and was cited in the brief filed by Mr. Corcoran and Mr. Cohen as an illustration of the power of Congress to do this sort of thing. Of course, the Stock Exchange Act has not been tested, but that act was framed upon an entirely different theory.

Mr. WHEELER. The Senator said "to do this sort of thing." Just what does the Senator mean? I ask the question in order that I may follow him.

Mr. HASTINGS. There is cited in the brief as a precedent for this proposed legislation the fact that we passed the stock-exchange bill. Let me call to the attention of the Senate how different the pending bill is from that measure. In the stock-exchange bill the only regulation of the companies which came within its scope was that they were compelled to register in order to have their stock listed upon the stock exchange. It pertained only to the issue of stock and the handling of their financial affairs. The stock-exchange bill did not undertake to provide that because a company was selling its stock across State lines it was therefore engaged in interstate commerce, and that that gave the Congress the power to lodge in the Commission the control of their entire business. If we can do that with respect to the utility business, then we can do it with respect to all the business of the Nation. There is no limitation placed upon it.

Let me say to the Senator from Montana that the test is whether or not, when we are dealing with a company engaged in interstate commerce, we are dealing with it in a way to prevent it from stopping the flow of interstate commerce. That is the limitation upon the Congress. We cannot do more than that, under the commerce clause.

Mr. BARKLEY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Delaware yield to the Senator from Kentucky?

Mr. HASTINGS. I yield.

Mr. BARKLEY. Does the Senator contend that the promiscuous and wide-spread sale of the securities of corporations in this country is not an activity of which Congress can take notice and attempt to regulate?

Mr. HASTINGS. I did not say so.

Mr. BARKLEY. Does the Senator so contend?

Mr. HASTINGS. That is what we did in the Stock Exchange Act.

Mr. BARKLEY. The Senator does not contend otherwise?

Mr. HASTINGS. I am not admitting, but I am not contending that that law is unconstitutional.

Mr. BARKLEY. There may be a distinction between the physical carriage of commerce which we can touch with our fingers and see move, and the issuance and sale of securities. We did with reference to the railroads practically what we are asked to do now with reference to holding companies. The railroads cannot issue stocks or bonds without the consent of the Interstate Commerce Commission, which is an exercise of a power of Congress delegated to the Commission. We passed the Securities Act of 1933 on the same theory, that corporations chartered by States which engage in the wide-spread sale of their securities in many States outside of those in which they are incorporated are engaged in interstate transactions, which cannot be regulated by States, and therefore must be regulated by the National Government. If we can do that with respect to the stocks and securities of railroads and corporations generally, where is

the distinction between the exercise of that authority with respect to railroads and other corporations and the exercise of that authority in this bill with respect to corporations which are engaged in interstate commerce, either by the physical transmission of power or by the sale promiscuously of their securities?

Mr. HASTINGS. Mr. President, at this point I read from section 2 of the Securities Exchange Act of 1934 in order that I may point out the difference between that act and this bill with respect to the basis upon which the Congress undertook to take jurisdiction:

SEC. 2. For the reasons hereinafter enumerated, transactions in securities as commonly conducted upon securities exchanges and over-the-counter markets are affected with a national public interest which makes it necessary to provide for regulation and control of such transactions and of practices and matters related thereto, including transactions by officers, directors, and principal security holders, to require appropriate reports, and to impose requirements necessary to make such regulation and control reasonably complete and effective—

First—

In order to protect interstate commerce.

Second—

The national credit.

Third—

The Federal taxing power.

Fourth—

To protect and make more effective the national banking system and Federal Reserve System.

Fifth—

And to insure the maintenance of fair and honest markets in such transactions.

In this particular bill we limit the bases on which Congress undertakes to take jurisdiction to two, namely, the commerce clause of the Constitution and our authority to regulate the mails, while in the Securities Act of 1934 there were five distinct bases—the national credit, the banking system, and other points. I do not know how important that is, but there is quite a difference between the two.

Let me now continue to read in this case, because the court gives some illustrations a little further on.

The act then being addressed to all common carriers engaged in interstate commerce, and imposing a liability upon them in favor of any of their employees, without qualification or restriction as to the business in which the carriers or their employees may be engaged at the time of the injury, of necessity includes subjects wholly outside of the power of Congress to regulate commerce. Without stopping to consider the numerous instances where, although a common carrier is engaged in interstate commerce, such carrier may in the nature of things also transact business not interstate commerce, although such local business may indirectly be related to interstate commerce, a few illustrations showing the operation of the statute as to matters wholly independent of interstate commerce will serve to make clear the extent of the power which is exerted by the statute.

I call particular attention to these illustrations.

Take a railroad engaged in interstate commerce, having a purely local branch operated wholly within a State. Take again the same road having shops for repairs, and it may be for construction work, as well as a large accounting and clerical force, and having, it may be, storage elevators and warehouses, not to suggest besides the possibility of its being engaged in other independent enterprises. Take a telegraph company engaged in the transmission of interstate and local messages. Take an express company engaged in local as well as in interstate business. Take a trolley line moving wholly within a State as to a large part of its business and yet as to the remainder crossing the State line.

As the act thus includes many subjects wholly beyond the power to regulate commerce and depends for its sanction upon that authority, it results that the act is repugnant to the Constitution, and cannot be enforced unless there be merit in the propositions advanced to show that the statute may be saved.

Then there is some discussion as to trying to save part of it, which the court intimated was constitutional, and I suppose, from what the Senator from Montana states, resulted in a new act being passed:

So far as the face of the statute is concerned, the argument is this, that because the statute says carriers engaged in commerce between the States, etc., therefore, the act should be interpreted as being exclusively applicable to the interstate commerce business and none other of such carriers, and that the words "any employee" as found in the statute should be held to mean any employee when such employee is engaged only in interstate commerce. But this would require us to write into the statute words of limitation and restriction not found in it.

I think that is on another point. I read now from page 502:

It remains only to consider the contention which we have previously quoted, that the act is constitutional, although it embraces subjects not within the power of Congress to regulate commerce, because one who engages in interstate commerce thereby submits all his business concerns to the regulating power of Congress. To state the proposition is to refute it. It assumes that because one engages in interstate commerce he thereby endows Congress with power not delegated to it by the Constitution, in other words, with the right to legislate concerning matters of purely State concern. It rests upon the conception that the Constitution destroyed that freedom of commerce which it was its purpose to preserve, since it treats the right to engage in interstate commerce as a privilege which cannot be availed of except upon such conditions as Congress may prescribe, even although the conditions would be otherwise beyond the power of Congress. It is apparent that if the contention were well founded, it would extend the power of Congress to every conceivable subject, however inherently local, would obliterate all the limitations of power imposed by the Constitution, and would destroy the authority of the States as to all conceivable matters which from the beginning have been, and must continue to be, under their control so long as the Constitution endures.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. WHEELER. I take it the Senator believes that this bill, because it seeks to regulate holding companies and because it seeks under certain circumstances to eliminate holding companies, thereby attempts to give the power to the Commission to regulate all the acts of holding companies, whether they are engaged in interstate commerce or not. Is that the theory?

Mr. HASTINGS. That is pretty nearly true.

Mr. WHEELER. That is not the position I take, and that is not the purpose of the bill. A holding company may have employees who are entirely engaged in intrastate commerce. The Congress of the United States would have no authority over such individuals, and the bill does not attempt to give such authority. The only thing the bill does is to say to holding companies, "You are engaged in interstate commerce under certain conditions and in certain circumstances."

I again should like to call the Senator's attention, if it would not interrupt him too much, to the Grain Futures Act, wherein we denied a company the right of the use of the mails and the right to use the channels of interstate commerce unless that company, which was engaged in intrastate business, did certain things, and we made that provision on the theory that by reason of the fact that it was engaged in intrastate business its business affected interstate commerce.

Mr. HASTINGS. Would the Senator be good enough to give the reference to that case?

Mr. WHEELER. It is the case of *Chicago Board of Trade* v. *Olsen* (262 U. S. 1), and the opinion was written by Chief Justice Taft. If the Senator does not object I should like to call attention to certain language in the opinion:

The question is whether the conduct of such sales is subject to constantly recurring abuses which are a burden and obstruction to interstate commerce in grain? And further, are they such an incident of that commerce and so intermingled with it that the burden and obstruction caused therein by them can be said to be direct?

Then Chief Justice Taft said:

Whatever amounts to more or less constant practice, and threatens to obstruct or unduly to burden the freedom of interstate commerce is within the regulatory power of Congress under the commerce clause, and it is primarily for Congress to consider and decide the fact of the danger and meet it. This Court will certainly not substitute—

I desire to particularly call attention to this language—

This Court will certainly not substitute its judgment for that of Congress in such a matter unless the relation of the subject to interstate commerce and its effect upon it are clearly nonexistent.

In the act we are considering, Congress has expressly declared that transactions and prices of grain in dealing in futures are susceptible to speculation, manipulation, and control which are detrimental to the producer and consumer and persons handling grain in interstate commerce and render regulation imperative for the protection of such commerce and the national public interest therein.

The Chicago Board of Trade was engaged solely in intrastate business, located in the city of Chicago. I continue to read from the opinion by Chief Justice Taft:

It is clear from the citations, in the statement of the case, of evidence before committees of investigation as to manipulations of the futures market and their effect, that we would be unwarranted in rejecting the finding of Congress as unreasonable, and that in our inquiry as to the validity of this legislation we must accept the view that such manipulation does work to the detriment of producers, consumers, shippers, and legitimate dealers in interstate commerce in grain and that it is a real abuse.

In the Grain Futures Act we said:

SEC. 4. It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery—

And so forth. We did exactly what we have done in this bill. As a matter of fact, this bill was copied after the Grain Futures Act in the details of its general policy.

Mr. HASTINGS. Mr. President, the mistake the Senator makes in the citation of this case and other cases is that in each of them there was a direct effect upon the flow of interstate commerce. That was true of the commodity cases; it was true of the Northern Securities case, involving two railroads, and in the New Jersey case. All those cases dealt with some concern or with some commodities that directly and vitally affected interstate commerce. So in those cases it was not possible to permit competition to be stifled without interfering with interstate commerce; it was not possible to do any of the things proposed without interfering with interstate commerce; but in the pending utilities bill, which we are now considering, its primary purpose has no relation to interstate commerce. The primary purpose of it is to do something entirely outside interstate commerce; and the bill is using the interstate commerce clause solely as an excuse in order that the Congress may obtain jurisdiction. That is the distinction between the cases which the Senator cites with so much confidence and this particular bill.

Now let me take up—I might as well do it here as at any other place—and discuss with the Senator, for a moment, section 4. It is of the greatest importance, because the Senator has constantly said that unless a corporation is engaged in interstate commerce it does not have to register. The section reads:

After October 1, 1935, unless a holding company is registered under section 5, it shall be unlawful for such holding company, directly or indirectly—

To do what?—

to sell * * * any capital assets for the transportation, transmission, or distribution of, natural or manufactured gas or electric energy in interstate commerce.

To transport * * * any capital assets for the transportation, transmission, or distribution of, natural or manufactured gas or electric energy in interstate commerce.

To transmit * * * any capital assets for the transportation, transmission—

And so on—

in interstate commerce.

To * * * distribute any capital assets for the transportation, transmission—

And so forth.

To * * * own any capital assets.

Let me inquire of the chairman of the committee and those aiding him and who helped to draft the pending bill and who prepared the brief sustaining it, what interstate transaction there is in the ownership of a capital asset, "for the transportation, transmission, or distribution of natural or manufactured gas or electric energy in interstate commerce?" Let me inquire what interstate transaction there is in operating a capital asset "for the transportation, transmission, or distribution of natural gas", and so on?

Mr. BLACK. Mr. President, will the Senator from Delaware yield to me?

Mr. HASTINGS. I yield.

Mr. BLACK. Do not the words "in interstate commerce" attach themselves to the ownership or the classification to which the Senator refers?

Mr. HASTINGS. I undertook to read those words into every sentence. Yes; they undoubtedly do.

Mr. BLACK. I think I understand what the Senator is developing; but is it not true that the mere ownership alone would not be sufficient under this clause, but it would be necessary that the capital asset be owned and be used for transmitting gas or electrical energy in interstate commerce?

Mr. HASTINGS. It does not say so.

Mr. BLACK. It is limited by the words "in interstate commerce"; and, frankly speaking, I was of the opinion that this was one place, to say the least, where there were no unnecessary words used, but that the language did carry out the idea and did limit each of the words in the beginning of the clause by requiring that the capital assets be utilized or owned for the purpose of transmitting gas or electric energy in interstate commerce.

Mr. WHITE. Mr. President——

Mr. HASTINGS. I yield to the Senator from Maine.

Mr. WHITE. Mr. President, the definition in subparagraph 1, from which the Senator is quoting, makes it unlawful, according to my understanding, for a holding company not registered—I omit some of the language—to own any capital assets for the transportation, transmission, or distribution of electric energy in interstate commerce.

Capital assets are the facilities of an electrical utility not alone for the transmission, transportation, and distribution of electrical energy, but for the production of electrical energy. So, to me, this paragraph means that if an unregistered company owns a plant for the production of electrical energy it is guilty of an unlawful act, whether, in fact, the product of that plant moves in interstate commerce or does not move in interstate commerce. There is not in this language, in order to limit and confine the ban of the section, the clear requirement that the product of the capital asset must move in interstate commerce through the agency of the owner of the plant.

Mr. BLACK. Mr. President, will the Senator yield again?

Mr. HASTINGS. I yield to the Senator.

Mr. BLACK. I may say, in answer to the suggestion of the Senator from Maine, that if the draftsmen of the bill had desired to make it necessary to register merely because of the oswnership of the capital assets they would have said so, but they did not say that a person would be required to register if he merely owned capital assets.

Mr. HASTINGS. Does it not say exactly that?

Mr. BLACK. The bill goes further and says:

For the transportation, transmission, or distribution of natural or manufactured gas or electric energy in interstate commerce.

We cannot simply take one word alone in a sentence and dissociate it from all the others, and then say the bill requires registration merely because capital assets are owned. It seems to me it is a very clear definition, whatever the definitions may be anywhere else in the bill, that, in order to require registration, the person must either sell, transport, transmit, distribute, or own or operate some of these things for the transmission of electric energy or gas in interstate commerce.

Mr. HASTINGS. Does the Senator understand it to mean a person actually engaged in interstate commerce? Is that the way the Senator reads it?

Mr. BLACK. I think it would be immaterial whether the person was actually causing the transmission in interstate commerce. If he were in partnership or in agreement with someone else and they were working together to act in interstate commerce, then, it would be a joint undertaking. I do not consider it from the analytical standpoint, as the Senator does, but I am sure, in my own mind, that this provision unquestionably limits the requirement for registration to those who are going to transmit or transport gas or electricity in interstate commerce. I cannot see how anyone could reach the conclusion that merely owning capital assets without intending them to be

used or without having them used either by the owner or someone else in interstate commerce would require registration.

Mr. HASTINGS. Mr. President, replying to the Senator from Alabama, I desire to call his attention to an important fact with respect to the words "own and operate", in section 4 of the bill.

There are three distinct and separate decisions of the Supreme Court with respect to the operation of a utility plant or a power plant which makes electricity. The Senator from Utah [Mr. KING] undoubtedly is familiar with them, because one of the cases came from his State, one from South Carolina, and the other, I think, from Idaho. All these decisions hold that the power plants located in the respective States are subject to taxation, and that the transmission of electricity from the plant where it is generated to some other place is the only part of the transaction which is interstate commerce. The electricity may be specifically manufactured for the purpose of interstate commerce. It may be specifically manufactured in my State to be sent to some other State for a particular purpose. It does not take on the characteristics of interstate commerce, however, until it leaves the plant and flashes itself on to its destination.

That being true, it is perfectly possible—and section 4 of the bill prohibits it—for a person or corporation to own a plant and even to operate a plant located in a particular State for the purpose of transmitting electricity to some other place, and that person or corporation would come within the terms of this measure.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield to the Senator from Alabama.

Mr. BLACK. The Senator, of course, understands that if the plant is used for the purpose of producing electricity which is immediately to be transmitted in interstate commerce, there is every presumption that the operation of the plant, so closely connected with the transmission of the electricity, would come within numerous decisions as to burdening or directly affecting interstate commerce. I do not mention that to contradict the idea expressed that the plant itself would not be in interstate commerce; but I call attention to the fact that all that is required here is a registration of those who come within these requirements, and that is not conclusive as to what will occur.

Taking the plant which the Senator used as an illustration——

Mr. HASTINGS. Just a minute. The Senator now is talking about section 4?

Mr. BLACK. Section 4, at page 19.

Mr. HASTINGS. I call the Senator's attention to the fact that section 4 refers to companies which do not register.

Mr. BLACK. Yes.

Mr. HASTINGS. It makes it unlawful for them to do certain things.

Mr. BLACK. It makes it unlawful for them to fail to obey the provision with reference to registration when they come within the classification mentioned here.

Let us suppose, for instance, that a plant is producing electricity in such a way that it unnecessarily directly raises the price to 10 times what it should be, right on the verge of transmitting the electricity across a State line. There we have the question of an unnecessary, wasteful, unfair, exorbitant burden upon interstate commerce. While it might not necessarily be true, it seems to me that such a condition would go a long way toward raising a conclusive presumption that in the case of a plant engaged in the business of generating electricity for immediate transmission across a State line, Congress would have the right simply to require it to register. At this time we are discussing only the registration of those engaged in business of that kind.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. WHITE. Of course, the significant thing is not the registration, but it is the pains and penalties which follow registration. It is the degree of control and authority that is asserted and exercised after a company is registered which becomes the important thing.

Mr. HASTINGS. That is quite correct. Before leaving that subject entirely, let me say, as I have already remarked, that Congress undoubtedly has the right to control the rates charged by companies engaged in transmitting electric energy across State lines. There is not any possible doubt about that. It is not only the right of Congress to do that but it is a right which Congress ought to exercise. That, however, is not the exact point involved here.

I call the attention of the Senator from Alabama to a case in Federal Reporter, second series, volume 52, reading at page 524, which case was subsequently affirmed by the Supreme Court without opinion, as I recall. I cite this particular case on an entirely different point. Somewhere in this bill it distinctly gives the Congress regulatory power over the plant. The Court in this case says:

> Now, so far as the production or generation tax on current is concerned, there can be no question as to its validity as applied to current transmitted in interstate commerce, we think, even though the current transmitted be conceived of as the identical current produced. The production of an article for transmission in interstate commerce is not in itself such commerce.

Citing a number of cases.

Bear in mind, we must not complain about that decision and we must not complain about that principle laid down by the court, which was approved by the Supreme Court of the United States, because the moment these things get into interstate commerce that fact affects the States, and prevents them from having the necessary control over them; so that while this particular case may not for the moment suit the purpose of some persons, the principle laid down in it is a very sound principle, and one which we ought not to overlook.

That is only one case along that line. In the case of Utah Power & Light Co. against Pfost, reported in Two Hundred and Eighty-sixth United States Reports, page 165, the Court said:

> We are satisfied, upon a consideration of the whole case, that the process of generation—

And most of these courts took expert testimony upon the question—

> is as essentially local as though electric energy was a physical thing; and to that situation we must apply, as controlling, the general rule that commerce does not begin until manufacture is finished, and hence the commerce clause of the Constitution does not prevent the State from exercising exclusive control over the manufacture.
>
> So far as it produces electrical energy in Idaho, its business is purely intrastate, subject to State taxation and control (pp. 181, 182).

Again, in *East Ohio Gas Co.* v. *Tax Commission of Ohio* (283 U. S. 465), the Court said:

> The furnishing of gas to consumers in Ohio municipalities by means of distribution plants to supply gas suitably for the service for which it is intended is not interstate commerce but a business of purely local concern exclusively within the jurisdiction of the State.

Mr. BLACK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCGILL in the chair). Does the Senator from Delaware yield to the Senator from Alabama?

Mr. HASTINGS. I yield.

Mr. BLACK. The Senator a few minutes ago read from the case of Gibbons against Ogden a quotation, with which I fully agree, to the effect that the authority of the Federal Government over interstate commerce is just as sovereign as the authority of the State over intrastate commerce. Admitting that, I believe the Senator certainly will agree that the Federal Government is not helpless, insofar as interstate commerce is concerned, to protect itself from a method of production which might be a burden to, or injure or destroy, interstate commerce.

Mr. HASTINGS. If I understand the Senator's question, I think I have answered several times that I have no doubt Congress has a right to fix rates, for instance, for electricity going across State lines; and I should go much farther than that. Not only has it the right to fix such rates, but it has the right to make inquiry with respect to how the

electricity is being produced by the plant, and the cost of its production, in order that it may properly regulate the rates. In other words, it may control the company although the operating plant itself is not engaged in interstate commerce. Congress undoubtedly may provide that the commission administering such a law may require of the company, although it be an entirely different company, that it furnish such information as may be necessary in order to carry out the purpose of the Congress in controlling the rates for electricity in interstate commerce.

Mr. BLACK. In other words, the Senator would agree, as I gather, that the Federal Government would have a right to deny to interstate commerce, an article which was produced under intrastate regulation, if its entrance into interstate commerce would destroy interstate commerce, or would unduly fetter and burden interstate commerce.

Mr. HASTINGS. It undoubtedly has full control over it.

Mr. BLACK. Then the Senator agrees with the quotation which he read a few moments ago that it is not necessary to interfere in order to exercise some one of the powers granted. I heard him read that statement. In other words, the Senator agrees that where the indirect effect of the exercise of the Government's sovereign power over interstate commerce is to even partially regulate production that does not deprive the Government of its power to regulate interstate commerce.

Mr. HASTINGS. Well——

Mr. BLACK. The Senator has just read cases stating that production is purely an intrastate matter.

Mr. HASTINGS. Yes.

Mr. BLACK. That, of course, is in line with the recent opinion of the Supreme Court on the N. R. A. Conceding that unquestionably to be the law, the Senator also read from a case in which it was held that, so far as interstate commerce is concerned, as I caught it, this country is as though there were no State lines.

Mr. HASTINGS. That is true.

Mr. BLACK. That means that the Federal Government has complete, unrestricted power to regulate interstate commerce——

Mr. HASTINGS. Oh, no; I would not go that far.

Mr. BLACK. Unless there is something in the Constitution itself which directly stands in the way of that regulation of interstate commerce.

Mr. HASTINGS. The only constitutional expression upon the subject is the reference to the regulation of interstate commerce; but the language used by the Senator was "unrestricted power in Congress to regulate." I do not agree with that by any means.

Mr. BLACK. That is what the Senator read from Gibbons against Ogden—"unrestricted." I think he used the word "unrestricted."

Mr. HASTINGS. The words I read were not my words. But even if the Senator is correct—and I do not recall the exact language—certainly the Senator knows that if the Supreme Court used that language it did not mean it in the sense which the Senator is now trying to impress upon me and the Senate. Unrestricted control of all regulation of interstate commerce might destroy, and that is just what I am contending about here.

Mr. BLACK. It might prohibit, might it not? Has it not been held that the word "regulate" includes the word "prohibit"?

Mr. HASTINGS. Not by any means can the Congress prohibit legitimate interstate commerce. That is one mistake the proponents of the bill are making.

Mr. BLACK. Do I understand the Senator denies that the Supreme Court has expressly held in two cases that the word "regulate" as used in the commerce clause is broad enough to mean "prohibit"?

Mr. HASTINGS. I do not know about the language, but if the Senator will call my attention to the particular case he has in mind, I shall be able to distinguish it, I think.

Mr. BLACK. I will bring to the Senate the cases I have in mind. I know there is an effort to distinguish between those things which are deleterious and those which are not, "but the court did not do it because the birds that were killed were good to eat." But, to get back to what I was talking about, the Senator has been referring to the production of electricity. The Senator agrees that if electricity were produced in such a way as to fetter and burden interstate commerce, the Federal Government would have a right to remove the burden from interstate commerce.

Mr. HASTINGS. By regulation.

Mr. BLACK. In any way it saw fit to do so.

Mr. HASTINGS. Not at all.

Mr. BLACK. Could it not do it by saying, "You cannot ship these goods in interstate commerce until you comply with such conditions as may be necessary to remove that burden"?

Mr. HASTINGS. If the Senator will give me an illustration, I think I will understand his position better.

Mr. BLACK. I am talking about electricity. As I understand, the Senator is taking the position that it is improper to require the registration of a company which owns a production plant which is to be used in transmitting electricity immediately into interstate commerce.

Mr. HASTINGS. The Senator is getting too many questions for me to answer. If he will just be patient with me, I will dispose of some of them.

Mr. BLACK. Very well.

Mr. HASTINGS. With respect to the transmission of electricity, as I have stated on more than one occasion, the Congress undoubtedly has the right to regulate the charges for electricity when it is transported over State lines. Congress has a right to regulate the rates. It would have a right to make such provision that the transmission of the electricity should not be likely to harm people who came in contact with the wires, and things of that sort.

The Senator a moment ago said that the Congress might prohibit interstate commerce in certain instances, stating that the Supreme Court has said that the right to regulate is the right to prohibit. There are distinct cases which agree with that, and those particular cases were cited by the briefs filed by Messrs. Corcoran and Cohen, and they used the language that the transactions of holding companies came within that class. I shall not undertake to answer that for the moment, but I shall do so a little later.

The Senator from Alabama mentioned another class of cases which are well known—that is, cases where it was held that a shipment of game killed in one State into another State may be prohibited. That is upon an entirely different principle, as the Senator must well know.

Property in wild game is not in an individual; the property right is in the State itself; and so long as the game is running through the forest it belongs to no man; it belongs only to the State. If a State permits a man to kill the game, the State has a right to say under what circumstances the person who kills it may take it out of the State. What the Congress has done and what the Court has upheld is that it will not permit such State laws to be violated. It will not permit game to be shipped out of one State into another against State law, which is entirely different from the regulation of ordinary channels of commerce and the ordinary articles of commerce. My attention is called to the fact that game is not a subject of commerce, so that it very properly is constituted a contraband of commerce.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. BARKLEY. The migratory bird law which was enacted by Congress and which has been in effect for a number of years, is not based upon the right of any State to control the killing of game within the State or its shipment outside of the State. Does the Senator contend that the national law now regulating the killing and shipment of migratory birds and other game, which is based largely upon the commerce clause of the Constitution, is founded upon any right of a State to control how the game within the State shall be killed?

Mr. HASTINGS. The Senator is talking about migratory game, and I am not.

Mr. BARKLEY. I am talking about migratory game.

Mr. HASTINGS. I am not. That is the difference between us.

Mr. BARKLEY. Any game which goes from one State to another is migratory, or may become migratory if it flies over a State line.

Mr. HASTINGS. Mr. President, I want to pass on to section 4, in the second paragraph of which it is provided that it shall be unlawful for a holding company, unless it is registered under section 5, directly or indirectly—

By use of the mails or any means or instrumentality of interstate commerce, to negotiate, enter into, or take any step in the performance of, any service, sales, or construction contract undertaking to perform services or construction work for, or sell goods to any public-utility company or holding company.

I should like to have someone point out to me what there is in that provision which indicates that it is confined to interstate commerce.

Let us go back for a moment. Perhaps we can find some explanation in the definitions of service, sales, or construction contracts, because the definitions are found in the bill. On page 14 the bill provides:

(19) "Service contract" means any contract, agreement, or understanding whereby a person undertakes to sell or furnish, for a charge, any managerial, financial, legal, engineering, purchasing, marketing, auditing, statistical, advertising, publicity, tax, research, or any other service, information or data.

(20) "Sales contract" means any contract, agreement, or understanding whereby a person undertakes to sell, lease, or furnish, for a charge, any goods, equipment, materials, supplies, appliances, or other property, other than electric energy or natural or manufactured gas.

(21) "Construction contract" means any contract, agreement, or understanding for the construction, extension, improvement, maintenance, or repair of the facilities or any part thereof of a company for a charge.

Bear in mind that the contention is made by the Senator from Montana and those who are in favor of the passage of this bill that paragraph (2) and all of section 4 apply only to companies engaged in interstate commerce. I have had some discussion with the Senators with respect to the first paragraph. I have read not only the second paragraph but I have read a definition of service contracts, of sales contracts and of construction contracts, and not in any of them are the words "interstate commerce" mentioned.

In that connection let me call attention to the case which is frequently cited in the speech made by the Senator from Montana in his explanation of this bill. The decision is by Judge Knox in the case of Federal Trade Commission against Smith, found in First Federal Supplement. I read from page 250. Bear this in mind in connection with the language I have just read from paragraph (2) of section 4 as well as the definition of the contracts. Here is what Judge Knox said:

From what has been made to appear to the court, it is plain that the services performed by respondent on behalf of the holding and subsidiary operating companies, and which, broadly speaking, relate to legal, engineering, secretarial, fiscal, investigatory, and general advisory matters, are not such as will here avail the petitioner. Without analyzing the services rendered by respondent within the foregoing classifications, I shall content myself by concluding that they have to do with activities which, under authoritative decisions, are not recognized as constituting interstate commerce.

Citing probably 15 or 20 Supreme Court decisions, I should like to have the Senator comment upon that and explain in what particular paragraph (2) of section 4 enters into the question of interstate commerce.

Mr. WHEELER. I shall be very glad to do so. I will say to the Senator that he is simply picking out one section of the bill, particularly that with reference to service contracts. The Senator says that Judge Knox said the matters referred to of and by themselves would not give the court jurisdiction over the Electric Bond & Share Co. There might be some question about that. I am not going to concede that the Senator is entirely right about that, but I say there might be some question about it.

Likewise, as it was held in the case of Board of Trade against Olsen, the acts of the board of trade were held by the Supreme Court of the United States to be intrastate commerce and not subject to the tax which was put on them originally. Subsequently, however, Congress passed another law setting forth that those transactions did affect interstate commerce, and the Supreme Court, by Chief Justice Taft, said that by reason of the fact that the Congress of the United States had declared those acts did affect intrastate commerce, the Supreme Court would not set its judgment up against the Congress of the United States, and it held that the Congress of the United States could regulate those transactions in intrastate commerce.

Let me call the attention of the Senator to the language of the decision of Judge Knox in that case as found on page 256:

By virtue of the control which the respondent exercised over—

What?—

over the subsidiary operating companies, it had a direct effect upon all their business, including that in interstate commerce. The power of the National Government over interstate commerce has been held to extend not only to—

What?—

not only to activities which may be formally denominated subjects of interstate commerce, but to acts which in facts affect that commerce.

Consequently, let me say to the Senator, if a holding company is engaged in interstate commerce, and its transactions, such as have been mentioned in this bill and other transactions, do affect the interstate character of its business, there can be no question under the decisions of the Supreme Court of the United States that the Congress has the right to regulate those acts which are not in and of themselves interstate in character, but which necessarily affect the national public interest and interstate commerce.

Would the Senator from Delaware for one moment contend that a service contract, by which an interstate holding company itself made charges to a subsidiary company, the operating company, and put in charges which affected the financial situation of that company—did not affect interstate business?

Mr. HASTINGS. I do not think that is quite a fair question. It would depend entirely upon what the situation was, just as in the case which Judge Knox had before him. Before I conclude my argument I shall quote extensively from Judge Knox's opinion and show exactly what was done there, and what was admitted by the holding company, because the Senator well knows it was shown conclusively that the holding company had definite and positive contracts with the operating companies whereby it furnished material; and it furnished them not only services, which the Court said were not interstate commerce, but it participated in the profits of the operating companies. There is no comparison between that statement and the first part of the opinion which the Senator read.

Mr. WHEELER. That does not change the stipulations which are in the record to which the Court refers, and it does not change the language used by Judge Knox when he says:

By virtue of—

What?—

By virtue of the control which the respondent—

The holding company—

exercised over the subsidiary operating companies, it had a direct effect upon all their business.

In other words, it was the control which he said the holding company exercised over the operating companies which gave it its interstate-commerce character.

Mr. HASTINGS. I do not desire to get into a discussion of that question now.

Mr. WHEELER. The Senator asked me a question; therefore I went into this discussion.

Mr. HASTINGS. I asked an entirely different question from that on which the Senator is now talking. I asked him to point out to me, and I will ask him again to point out to me, where there is any interstate commerce involved in paragraph (2) of section 4. The Senator's reply was that a section cannot be taken by itself; that the whole bill must

be considered. However, I wish to read certain language from the bill and see if it does not constitute a section by itself and whether it does not stand alone. I read section 4:

After October 1, 1935, unless a holding company is registered under section 5, it shall be unlawful for such holding company, directly or indirectly—

* * * * * * *

(2) By use of the mails or any means or instrumentality of interstate commerce—

That is not the business of interstate commerce—

to negotiate, enter into, or take any step in the performance of, any service, sales, or construction contract undertaking to perform services or construction work for, or sell goods to, any public-utility company or holding company.

Will the Senator explain to me wherein that company is engaged in interstate commerce when it does that?

Mr. WHEELER. Let me say to the Senator that the identical language is used in the Grain Futures Act and the same point was raised in the case of the Board of Trade against Olsen. All the pending bill says is that a holding company shall be denied the use of the mails unless it registers.

Mr. HASTINGS. The Senator has repeatedly said that a company does not have to register at all unless it is engaged in interstate commerce. I wish to show wherein section 2, that I have read, makes no reference to a holding company engaging in interstate commerce at all; yet it is prohibited from doing certain things.

Mr. WHEELER. I simply say that under the bill holding companies are denied the use of the mails unless they register. It provides that they shall be exempted if they are engaged entirely in intrastate business, and there are four or five other exemptions.

Mr. HASTINGS. If I understand the Senator, and I think he is correct in his statement, the purpose of his bill is to prohibit any holding company from operating at all unless it registers, and the bill provides for enforcing the prohibition by means of withholding from the company the right to use the United States mails or any other facilities of interstate commerce. In other words, it is said on the one side that a company is not required to register unless it is engaged in interstate commerce, but it is said on the other side that if a company is so active in what it does that it is necessary for it to use the United States mails or any other instruments of interstate commerce, then it must register.

If that is the purpose, as I think it is—and I have read sections 4 and 5 together—I do not know that the language could have been drawn in any better way to accomplish the purpose. I want there to be no misunderstanding about it, and if the Senator disagrees with me I want him to say so; but my understanding is that merely because a company is a holding company it has to register or it cannot use the United States mails or other instrumentalities of interstate commerce, regardless of whether or not its actual business is interstate commerce. Is that what the Senator from Kentucky understands the bill to mean?

Mr. BARKLEY. Assuming the Senator from Delaware to be correct, which I do not assume, it would be subject to section 3, which gives the Commission the power to exempt the holding companies from any and all provisions of the entire title, which includes the matter of registration, if they comply with the subdivisions which are set out in section 3.

Mr. HASTINGS. Mr. President, I am sick and tired of hearing Senators say that the American people are not in danger because some commission is in position where it can relieve them of the possibilities of the dangers which confront them. What it seems to me the Congress ought to do—and it is pretty nearly time it should get itself in the frame of mind to do it—is to act for itself and for the people it represents and not undertake to pass its own powers on to some commission and some bureaucrat in Washington, hoping that the particular commission or individual may be able to protect the people in the future.

Mr. BARKLEY. I suppose on that theory the Senator would advocate Congress setting out the minutiae of railroad rates for the transportation of passengers and traffic in the United States and the other things which the Interstate Commerce Commission, created by Congress, should do; or that it ought to set out in detail what the Federal Trade Commission should do, because for the Congress to permit the Commission to set up its own regulations would be a delegation of power.

Mr. HASTINGS. Not at all. I know as well as does anybody else that the Congress cannot write into the law all the necessary details. That is not the point I make. I am not complaining about any of those things. What I am complaining about is that it is insisted that, because the Commission has the right and is given the authority to exempt us, we might as well close our eyes and assume that we have been exempted and will be protected. That is the thing about which I am complaining. It may be necessary to write the bill in the way in which it is before us. I am not even complaining about that. What I am complaining about is the argument that is made to me that because it is there, because the power is left with the Commission to exempt us, we ought to go home and sleep comfortably and feel sure that sometime we shall be exempted.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from Delaware yield to the Senator from Maine?

Mr. HASTINGS. I yield.

Mr. WHITE. May I suggest to the Senator that the power of exemption under section 3 is always "if and to the extent" the Commission, in its discretion, may feel necessary.

Mr. HASTINGS. Is it not really more than that?

Mr. WHITE. Yes. There are further limitations, but, after all, it resolves itself into an exercise of discretion by the Commission with no rule of law to guide it.

Mr. HASTINGS. I should like to call the attention of the Senator from Kentucky to another fact respecting section 3. It says "if and to the extent that it deems the exemption not detrimental to the public interest." If it should stop there, it would be very much more clear than it is, but it does not stop there. There are other things which can be taken into consideration. "If and to the extent it deems the exemption not detrimental to the public interest"—and that is not all—"or the interest of the investors or the consumers." How many investors and how many consumers must be affected before the Commission will act? Does anyone know? It does not depend on the public interest so far as the investor and the consumer may be concerned.

Mr. BARKLEY. I presume it would refer to consumers of the particular holding company under consideration at the time, or the investors in that holding company or any of its subsidiaries.

Mr. HASTINGS. How many of them?

Mr. BARKLEY. I do not know how many there are in any of them.

Mr. HASTINGS. How many would have to be affected before the company would be subject to exemption?

Mr. BARKLEY. Taking it as a collective term, I suppose all of them on the whole. I do not know how to divide them up into classes. We would have to take into consideration the welfare of the general public together with the investors in the particular concern and the consumers of the particular concern.

Mr. WHEELER. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. WHEELER. The Senator will clearly understand that section 4, which he is reading, denies the use of the mails, and provides that we shall deny holding companies the use of the channels of interstate commerce, which is denying them the use of the mails. The reason for putting that in the bill was simply to bring in the holding companies which otherwise might stay out. It was done for the purpose of registering them.

The second idea was that we should exempt those companies which were engaged only in intrastate commerce. Suppose that we should leave out that provision in the bill which says they should be exempted unless it was detri-

mental to the public interest, does the Senator think that would cure it?

Mr. HASTINGS. I should not like to try to cure this bill.

Mr. WHEELER. Exactly. The Senator does not want to cure the bill. The utility interests do not want to cure the bill. They came before the committee and complained of various provisions, but the truth of the matter is that while they protested in one breath that they wanted regulation, what they really wanted to do was to kill every provision in the bill relating to regulation of their nefarious dealings and they also wanted to kill every other provision of the bill.

Mr. HASTINGS. May I inquire of the Senator why he made the suggestion that I do not want to cure it and then made the suggestion that the utility people do not want to cure it? I do not know how to cure it. That is my trouble with it. The thing is so outrageous and so impossible from any point of view of proper legislation that it is hopeless to undertake to cure it. I am perfectly willing to sit down with any group of Senators in any committee and try to write a bill which would do what the public ought to want done.

But we cannot undertake, on the floor of the Senate, to write a bill like this, 150 pages long, full of mistakes and errors as it is from a constitutional point of view. It is impossible to do that on the floor of the Senate, and that is what I mean when I tell the Senator that I cannot cure the bill. I have already made two suggestions. I said in the beginning what I thought might be done. I said the Congress undoubtedly had the right to regulate the rates of public utilities doing an interstate business.

I have gone further than that. I said that in regulating those rates the Congress has the right to demand all the information the public utilities can furnish or have in their possession.

I have gone further than that. In my judgment, we can control a holding company if that holding company is in control of a public utility and participating by means of contract or otherwise.

Those were the suggestions I made in the very beginning of my address. I repeat that no one can perfect this bill on the floor of the Senate without taking so much time that everyone would become disgusted and want to go home.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. BARKLEY. Since the introduction of the bill we have heard a great deal of talk about regulating holding companies. Everyone now is in favor of regulating them. When did anyone introduce a bill or make a speech on the floor of the Senate proposing to regulate them until this bill was introduced? When did the Senator from Delaware introduce such a bill?

Mr. HASTINGS. When I make the statement that I am in favor of regulating holding companies engaged in the utility business in this country, I do not see why it should be deemed proper for any Senator to reprimand me for not having thought of it myself or not having introduced such a bill. If I had thought of it and introduced such a bill and was interested in it, I should have introduced a sensible bill and not the fool thing we have before us today.

Mr. BARKLEY. Of course, I did not mean to reflect upon the Senator's promptness in following up his own ideas or the suggestions of others; but in my question I included all those who now are shouting from the housetops in favor of regulation. I do not recall that any of them ever proposed regulation until this bill was introduced.

Mr. HASTINGS. Mr. President, I may say with respect to that matter that I assumed holding companies were engaged in intrastate business, and therefore it did not occur to me that we could control and could regulate them. I say now that we cannot regulate them unless the holding company is exercising control, under contracts or otherwise, of some other company that is engaged in interstate commerce. That does not refer to the matter of the sale of their securities. As the Senator from Michigan [Mr. VANDENBERG] said yesterday, I think all of us had been led to believe that so far as the public-utility securities market was concerned that condition had been cured so far as it was possible to cure it by the Stock Exchange Act and the Securities Act.

This bill, however, does not refer to that. This bill ignores the Stock Exchange Act and insists that although that act has been in force for a year or two, we must now have new legislation applying to one particular kind of industry that is sending out its stocks and various securities over the country, for what reason? Because it has been guilty of doing other things which the Congress thinks ought to be corrected, and which it thinks it has the power to correct.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. BARKLEY. The Securities Act only requires publicity with respect to securities that are issued. The Securities Act does not provide that a certain security may not be issued. All it does is to provide that if the security is issued, those who issue it must tell the truth to the public, so that they will know what they are buying. The Stock Exchange Act purports to regulate practices on the stock exchanges in the sale and purchase of stocks that are there bought and sold. Neither of those laws covers the situation which is intended to be covered by this measure.

Mr. HASTINGS. Mr. President, if we have done so much as to pass legislation which forces persons who are selling securities to the country to make a full and complete disclosure of what is back of the securities, it seems to me we have gone as far as we can to take care of the people who desire to invest their money in that kind of securities. Unless the Congress itself, by some kind of legislation, is going to guarantee the securities, it seems to me we ought to be satisfied when we have furnished the information to the person who is interested in the investment.

But let me pass along to section 4, which probably is the most important of all the sections, because it is the one which prohibits holding companies from doing various things unless they register. Bear in mind that section 4 is of the greatest importance, because it is now insisted, and for several days it has been insisted, that section 4 applies only to companies which are engaged in interstate commerce. Let me read paragraph (3) of that section:

> After October 1, 1935, unless a holding company is registered under section 5, it shall be unlawful for such holding company, directly or indirectly—
>
> * * * * * * *
>
> (3) To distribute, or make any public offering for sale or exchange of, any security of such holding company, any subsidiary company or affiliate of such holding company, any public-utility company, or any holding company, by use of the mails or any means or instrumentality of interstate commerce, or to sell any such security having reason to believe that such security, by use of the mails or any means or instrumentality of interstate commerce, will be distributed or made the subject of a public offering.

Can anybody determine by reading that section that it is limited to a company which is engaged in interstate commerce? Not at all. It goes back to the original proposition, which is to punish a company that does not register by saying that the facilities of the United States mails and the facilities of interstate commerce shall be taken from such a company unless it shall register; the result of it all being to force the company to register. Having gotten it, regardless of its interstate character, into the fold of a registered company by refusing to permit it to use the mails and other instrumentalities of interstate commerce unless it does register, the Commission then begins to control all of its activities; and a little later I shall point out what those activities are. In the bill, ranging from section 6 to section 13, there will be found used 11 times the words "the use of the mails or any means or instrumentality of interstate commerce, or otherwise."

I should like some Senator, tomorrow or some other day, to tell me why that language is placed in those sections with respect to the regulation of holding companies. The proponents of the bill start out by withdrawing the use of the mails and the instrumentalities of interstate commerce; but after a while, when they get a little further along, they try to strengthen the bill a little by adding the words "or other-

wise", which means that nothing can be done under this measure unless all the rules and regulations laid down by the Commission shall be complied with.

But let me pass to paragraph (4) of section 4:

After October 1, 1935, unless a holding company is registered under section 5, it shall be unlawful for such holding company, directly or indirectly—

* * * * * * *

(4) By use of the mails or any means or instrumentality of interstate commerce, to acquire or negotiate for the acquisition of any security or capital assets of any subsidiary company or affiliate of such holding company, any public-utility company, or any holding company.

In other words, regardless of amount, a holding company may not "acquire or negotiate for the acquisition of any security or capital assets of any subsidiary company or affiliate of such holding company." Is there anything there which limits the provision to companies engaged in interstate commerce? Not at all. The door is wide open, and the world is before us, and we say that regardless of how closely the holding company and its subsidiaries may be joined together in two or three States or in one State, the company must register, because the provision is not limited to interstate commerce.

Now, the next paragraph; and if we could leave this in, and cut out everything else the argument of the Senator from Montana [Mr. WHEELER] would be appropriate.

After October 1, 1935, * * * it shall be unlawful for such holding company, directly or indirectly—

To do what?—

(5) To engage in any business in interstate commerce.

Upon the basis of that one line and a tenth in paragraph (5), the distinguished Senator from Montana says that this section of the bill is limited to holding companies engaged in interstate commerce, when out of the six paragraphs in it, the only one which says a word about engaging in the business of interstate commerce is paragraph (5), which prohibits holding companies from engaging in any business in interstate commerce; but paragraph (6) is the one that is all-inclusive:

It shall be unlawful for such holding company, directly or indirectly—

* * * * * * *

(6) To own, hold, or control any security of any subsidiary company thereof that does any of the acts enumerated in paragraphs (1) to (5), inclusive, of this subsection.

Now, let us take paragraph (b) of that section:

Every holding company which has outstanding any security any of which, by use of the mails or any means or instrumentality of interstate commerce, has been distributed or made the subject of a public offering subsequent to January 1, 1925, and any of which security is owned or held on September 1, 1935 (or, if such company is not a holding company on that date, on the date such company becomes a holding company) by persons not resident in the State in which such holding company is organized, shall register under section 5 on or before October 1, 1935, or the thirtieth day after such company becomes a holding company, whichever date is later.

So that all of these things in all these paragraphs about which I have been talking do not do what they seem to do as we start to read them. All of them do not exclude companies, because paragraph (b) definitely provides that some of the companies shall register.

Mr. AUSTIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Burke	Dieterich	Hayden
Ashurst	Byrd	Donahey	Johnson
Austin	Byrnes	Duffy	Keyes
Bachman	Capper	Fletcher	King
Bailey	Caraway	Frazier	La Follette
Bankhead	Carey	George	Lewis
Barbour	Chavez	Gerry	Logan
Barkley	Clark	Gibson	Lonergan
Black	Connally	Glass	McAdoo
Bone	Coolidge	Guffey	McCarran
Borah	Copeland	Hale	McGill
Brown	Costigan	Harrison	McKellar
Bulkley	Couzens	Hastings	McNary
Bulow	Dickinson	Hatch	Maloney
Metcalf	O'Mahoney	Schwellenbach	Truman
Minton	Overton	Sheppard	Tydings
Moore	Pittman	Shipstead	Vandenberg
Murphy	Pope	Smith	Van Nuys
Murray	Radcliffe	Steiwer	Wagner
Neely	Reynolds	Thomas, Okla.	Walsh
Norbeck	Robinson	Thomas, Utah	Wheeler
Norris	Russell	Townsend	White
Nye	Schall	Trammell	

The PRESIDING OFFICER. Ninety-one Senators have answered to their names. A quorum is present.

Mr. HASTINGS. Mr. President, I think in this discussion it might be worth while to pay a little attention to section 3, as to whether the bill is limited to companies engaged in interstate commerce.

Section 3 provides:

(a) The Commission, by rules and regulations or order, shall exempt any holding company, and every subsidiary company thereof as such, from any provision or provisions of this title, if and to the extent that it deems the exemption not detrimental to the public interest or the interest of investors or consumers.

The Senator from Montana [Mr. WHEELER] called attention to the fact that in the committee he had insisted upon the word "shall" instead of the word "may" as the bill first was introduced in the Senate. From my viewpoint, it does not make very much difference, because, after all, the exemption is left entirely to the Commission. The paragraph does provide, however, that the Commission shall grant exemption, but it has the qualification—

If and to the extent that it deems the exemption not detrimental to the public interest or the interest of investors or consumers.

Those who framed the bill were not content to confine this to the public interest, but they added, "the interest of investors or consumers"; and here are the conditions upon which exemptions may be granted:

If—

(1) such holding company, and every subsidiary company thereof which is a public-utility company, are predominantly intrastate in character and carry on their business substantially in a single State in which such holding company and every such subsidiary company thereof are organized;

(2) such holding company is predominantly a public-utility company operating as such in one or more contiguous States, in one of which it is organized;

(3) such holding company is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and (A) not deriving, directly or indirectly, any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public-utility company, or (B) deriving a material part of its income from any one or more such subsidiary companies, if substantially all the outstanding securities of such companies are owned, directly or indirectly, by such holding company;

Then subsection (4) provides for a holding company that is temporarily a holding company.

After subsection (5) appears the following:

The Commission, upon its own motion or upon application by the holding company, or any subsidiary company thereof, exempted by any order issued hereunder, shall, after notice and opportunity for hearing, revoke, modify, or confirm any such order whenever in its judgment the circumstances warrant such revocation, modification, or confirmation.

Mr. President, if the purpose of this bill was to limit its authority to companies engaged wholly in interstate commerce, may I inquire why it was necessary to leave to the Commission the authority and direction to exempt the particular companies meeting these particular conditions? In other words, what objection is there to exempting, and why does the Congress undertake to control a public-utility company which is predominantly intrastate in character, and which carries on its business substantially in a single State in which such holding company and every such subsidiary company thereof are organized? If it be true, as has been so often alleged here, that all we are trying to do is to control holding companies which are engaged in interstate commerce, why should we not now instantly agree to exempt companies which are predominantly intrastate and have practically nothing to do with interstate commerce, and why should we undertake to classify a company as a holding company and subject to the provisions of this bill when it is only incidentally a holding company, and is

primarily engaged and interested in one or more businesses other than the business of a public-utility company? If the only purpose of this bill is to control holding companies engaged in interstate commerce, there is no reason why all of section 3 should not be definite and positive in its provisions, and the control not be left to the Commission at all.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. MINTON. Cannot the Senator conceive of a situation where a company's business might be predominantly intrastate in character, and yet it might have enough of interstate business intermingled therewith so that the whole business might take on an interstate character?

Mr. HASTINGS. Yes; I can.

Mr. MINTON. Then does not the Senator think it is a wise provision to give the Commission power to exempt, in a proper case, a set-up of that kind?

Mr. HASTINGS. Mr. President, in response to that question I call attention to the significant fact that after the proponents of the bill have condemned the holding company until it would be supposed they would not even look at one if they met it on the road, notwithstanding that fact, and notwithstanding the suggestion made by the Senator from Indiana, further on in the bill the distinct provision is made that holding companies, instead of being outlawed, as is generally supposed, are specifically provided as a part of American institutions, with power to issue stocks just as they have done in the past, with power to enter into contracts just as they have done in the past, with power to do all the things which have been so strongly condemned here for several days. This identical bill, which is supposed to outlaw and dispose of holding companies forever, in fact sets them up as a permanent system for America.

If we are permitted to exempt a holding company which operates in one State and, by reason of the territory being integrated, operates also in one or more contiguous States, or in a foreign country, as is provided in the bill, then there is no particular harm in specifically exempting a company which is principally engaged in intrastate business, and only incidentally operates in some other State.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield.

Mr. WHITE. Subparagraph (c), at the top of page 17, reads, as the Senator has indicated:

No provisions in this title shall apply to, or be deemed to include, the United States, a State, or any political subdivision of a State—

I think I understand what those provisions mean—

or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing.

That is, of a State, or a political subdivision of a State. We have water districts and sewer districts and school districts and other such political subdivisions in my section of the country. Does the language I have read mean that if a State, by legislative act, created a power district or a power company, whatever name one may choose to apply to it, which was to engage generally in the power business, the provisions of this act would not reach it?

Mr. HASTINGS. Mr. President, I am quite sure I could not answer that question. I think it would be exempt, because the language is very broad. Of course, what I assumed the language meant to cover was the T. V. A. I do not know whether that is true or whether it is not true. There may be other things it would cover.

Mr. MINTON. Would it not cover municipal plants, for instance?

Mr. HASTINGS. Oh, yes; but the Senator from Maine has called attention to the fact that the provision goes further than that, and says:

The United States, a State, or any political subdivision of a State, or any agency, authority, or instrumentality of any one or more of the foregoing—

That is the United States, the State, or a political subdivision of the State—

or any corporation which is wholly owned, directly or indirectly, by any one or more of the foregoing, or any officer, agent, or employee of any of the foregoing acting as such in the course of his official duty, unless such provision makes specific reference thereto.

I think that is broad enough to cover the instances the Senator from Maine mentioned, but I had assumed it was intended to cover the T. V. A. and the corporations which the T. V. A. is serving.

Returning to section 4, I think I have some authorities, one of which I have already read, to show that the Congress has no authority to control interstate commerce unless it be necessary to control that commerce in the public interest. From the employers' liability case I have already quoted. One case which everyone will remember, which attracted a great deal of attention, is the case of *Hammer* v. *Dagenhart* (247 U. S. 276). In that case, it will be remembered, the Court held that the Congress had no authority to eliminate from interstate commerce goods produced by child labor. I do not know that it is necessary for me to read from the decision. Every Senator will remember the effect of it. However, I think it might be well to read just a brief extract, as follows:

In interpreting the Constitution it must never be forgotten that the Nation is made up of States to which are entrusted the powers of local government. And to them and to the people the powers not expressly delegated to the national Government are reserved. * * * The power of the States to regulate their purely internal affairs by such laws as seem wise to the local authority is inherent and has never been surrendered to the general Government. * * * To sustain this statute would not be in our judgment a recognition of the lawful exertion of congressional authority over interstate commerce, but would sanction an invasion by the Federal power of the control of a matter purely local in its character, and over which no authority has been delegated to Congress in conferring the power to regulate commerce among the States.

We have neither authority nor disposition to question the motives of Congress in enacting this legislation. The purposes intended must be attained consistently with constitutional limitations and not by an invasion of the powers of the States. This Court has no more important function than that which devolves upon it the obligation to preserve inviolate the constitutional limitations upon the exercise of authority, Federal and State, to the end that each may continue to discharge, harmoniously with the other, the duties entrusted to it by the Constitution.

In our view, the necessary effect of this act is, by means of a prohibition against the movement in interstate commerce of ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States, a purely State authority. Thus the act in a twofold sense is repugnant to the Constitution. It not only transcends the authority delegated to Congress over commerce but also exerts a power as to a purely local matter to which the Federal authority does not extend. The far-reaching result of upholding the act cannot be more plainly indicated than by pointing out that if Congress can thus regulate matters entrusted to local authority by prohibition of the movement of commodities in interstate commerce, all freedom of commerce will be at an end, and the power of the States over local matters may be eliminated, and thus our system of government be practically destroyed.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Delaware yield to the Senator from Michigan?

Mr. HASTINGS. I yield.

Mr. VANDENBERG. I do not want to interrupt the trend of the Senator's argument, but I have asked one question constantly in this debate and have yet to receive a satisfactory answer. I should like to have the Senator's view.

When we passed the securities bill I understood we were protecting investors against exploitation in all fields. I should like to know in what degree we have failed to protect the investors in holding companies and in utility companies by the enactment of the securities bill, and why additional protection of the investor is necessary?

Mr. HASTINGS. Mr. President, as the Senator from Kentucky [Mr. BARKLEY] said a little while ago, the purpose of the Securities Act and the Stock Exchange Act was to make certain that the public knew what was back of the securities issued; in other words, to give full information for the benefit of investors so as to make certain that nobody might be deceived. The only thing added by the pending bill that is in any way different is the authority which is frequently given to commissions which control a utility of some kind, namely, the authority to dictate to a

public utility, for instance, which wants to enlarge its plant and wants to issue bonds. In order to control the rates of the company and to see that the company does not have in its investment greater assets than are necessary, the authority has frequently been given to the Commission or to some agency of some kind to determine whether or not it is necessary to issue the particular securities.

As I shall show later in my argument, this bill has undertaken to go further. From my point of view it is wholly unnecessary to do what is undertaken to be done here. Here it is undertaken to give to the Commission the authority not only to require the company to furnish the information for the benefit of the investors, but it is undertaken by the bill to say when securities may be issued, to say what particular character of securities may be issued, to say what voting rights shall go with the securities, and to authorize all kinds of control and red tape and what not, more, it seems to me, for the confusion of the investor than for his protection, because I doubt not that if the bill should be enacted and declared constitutional, and such securities were issued, the public would get the impression that the securities had been approved by the Federal Government and that they were therefore justified in investing in those particular securities.

That being true, instead of a protection to the investor by giving him the information which he desires, it becomes a danger to him, because he may get the impression that the security itself has been approved by the Federal Government.

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Michigan?

Mr. HASTINGS. I yield.

Mr. VANDENBERG. Let me put my question differently. Does the Senator believe that the exploitation of investors which notoriously did occur prior to the passage of the Securities Act can occur since the passage of the Securities Act, thus obviating the necessity for this legislation?

Mr. HASTINGS. Let me point out that under the Securities Act nothing can be done without giving full information to the public; and, of course, with that information, it is assumed that the public will act intelligently. It is the deception which has been practiced which has caused these great evils. It is the deception which has been practiced by holding companies and others which made it necessary to pass the Securities Act. It is the deception which has been practiced which made it necessary, from the point of view of some persons, to pass the Stock Exchange Act.

In passing I desire to say that while I opposed the stock exchange bill, and I did so because of the power that went with it to a commission, what has happened was what I hoped might happen. The act itself has been administered very effectively, and with good common sense. That is the one thing which has prevented condemnation from being brought upon the act, and that is the one thing which has made the American people agree with its original purpose. At the same time, we ought not to pass acts, the value of which depends upon the good sense of somebody in administering them. We ought to be so careful in framing acts that a fool, in administering them, could not bring to the country the dangers which might be brought if the acts were not properly administered.

I had supposed, and I think the American people had supposed, that the passage of the Securities Act and the Stock Exchange Act was as far as we could hope to go, and was as far as it was necessary to go to protect the innocent people of the country who have money to invest. I am quite satisfied that from that point of view this bill is wholly unnecessary, and I am quite satisfied that most people agree with that view. The proponents of the bill have added that feature to it, and they have brought in the bad practices and the mean things that have been done for the sole purpose of having an excuse for passing this measure in order to control the holding companies and put an end to other evils which they say exist.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield to the Senator from Maryland.

Mr. TYDINGS. May I ask the Senator whether he considers that there is need for a utilities bill of some kind or whether he feels that there should be no bill on that subject?

Mr. HASTINGS. I said earlier in the day that I see no reason why the Congress should not pass a bill which would regulate the transmission of electric power from one State to another. If we should do that, I have not any doubt that we could require corporations engaged in such business to do a number of things with respect to the business which would eliminate many of the evils that exist.

For instance, if we had that sort of situation a company controlled by the Commission could be prevented from taking in other companies if it should be thought inadvisable. Many things could be done along that line, and I presume many of the holding companies could be controlled in the same way, because, aside from the mere ownership of stock, if a holding company which has control over an operating company engaged in interstate commerce participates either directly or indirectly in the business of that particular corporation, I am quite certain the courts would be justified in going far enough to say that the holding company itself was engaged in interstate commerce; and in that way I think something might be done which would help this situation.

The complaint I have is that, as we frequently do, when we undertake to cure an evil, we attempt to do entirely too much. If we should do the things which it is perfectly clear we have a right to do, if we should do the things which are necessary at the moment, and trust to future Congresses to improve our legislation in the light of the experience derived from its administration, to my mind we should be doing a very much greater service for the Nation than we can do in this way.

Senators will find running all through the majority report the allegation that it is necessary to destroy the great holding companies because of the concentration of political power and economic power. While I should not be averse to doing that to some extent if we could do it, I know of no way in which we can do that under the commerce clause of the Constitution.

It is pointed out that many of the operating companies, instead of being controlled by residents of the locality, are controlled by persons residing many miles away, and perhaps many States away; but we must bear in mind that the States themselves could do much to control the situation in that respect. The monopolistic charter which permits a company to operate a utility is granted by the State in which the company is operating. The State can attach to the charter such conditions as it pleases. If the company be located in the city of Baltimore, the State can provide that every member of the board of directors of the corporation shall be a resident of the city of Baltimore. If the corporation be located in the State of Maryland the State can provide that all the directors of the corporation shall be residents of the particular county in which the plant itself is located. There is no trouble about that. There is no trouble about the existence of the power. The trouble is with the Congress undertaking to seize the power which belongs to the State which created the thing which needs to be controlled.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HASTINGS. I yield to the Senator from Indiana.

Mr. MINTON. Does the Senator contend that utilities which are now exercising these franchises may have their franchise amended in the way the Senator suggests, or would that regulation be confined to such franchises as may be issued in the future?

Mr. HASTINGS. I think that may raise a very serious question. I do not know. Most States that have been careful in granting charters which gave monopolies to any concerns have reserved the right to modify them to meet future public conditions; but that is not always the case. As the Senator suggests, I think some of the States might find difficulty in amending the charters of such companies, because the right to do so had not been reserved.

Mr. BARKLEY. Mr. President, does the Senator from Delaware desire to finish his remarks this afternoon?

Mr. HASTINGS. No, Mr. President. I shall be glad to suspend at this time.

Mr. BARKLEY. Will the Senator yield for a motion to proceed to the consideration of executive business?

Mr. HASTINGS. I yield for that purpose.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. POPE in the chair) laid before the Senate a message from the President of the United States, submitting sundry nominations of postmasters, which was referred to the Committee on Post Offices and Post Roads.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

CONSIDERATION OF TREATIES

Mr. PITTMAN. Mr. President, I ask that the Senate take up and consider certain treaties on the calendar.

The PRESIDING OFFICER. The clerk will state the first treaty in order on the calendar.

Executive H (69th Cong., 1st sess.), a Convention for the Supervision of the International Trade in Arms and Ammunition and in Implements of War, signed at Geneva, Switzerland, on June 17, 1925, was announced as first in order.

Mr. PITTMAN. Mr. President, I ask that the treaty go over in the absence of the Senator from Utah [Mr. KING].

The PRESIDING OFFICER. Without objection, the treaty will go over.

Executive E (73d Cong., 2d sess.), International Convention of the Copyright Union, as revised and signed at Rome on June 2, 1928, was announced as next in order.

Mr. PITTMAN. Mr. President, I ask that this treaty go over by reason of an agreement with the Senator from Wisconsin [Mr. DUFFY] and others.

The PRESIDING OFFICER. Without objection, the treaty will be passed over.

DAMAGES CAUSED BY SMELTER AT TRAIL, BRITISH COLUMBIA

Executive I (74th Cong., 1st sess.), a Convention between the United States of America and the Dominion of Canada, signed at Ottawa, April 15, 1935, having for its object the payment to the United States of a sum of $350,000 United States currency in settlement of all damage which occurred in the United States prior to January 1, 1932, as a result of the operation of the smelter of the Consolidated Mining & Smelting Co., Trail, British Columbia, and the establishment of a tribunal for the decision of questions arising since that date, was announced as next in order.

Mr. AUSTIN. Mr. President, I ask that this treaty go over. I do not think we can consider treaties at this time of the evening, in the absence of a quorum.

Mr. BONE. Mr. President, may I ask the Senator from Vermont whether he has reasons which appeal to him for asking that the treaty go over? I suggest to him that the only way in which this treaty can be consummated will be through reciprocal action of the Canadian Parliament, and that body will adjourn on June 15. This matter has been hanging fire for a great many years, and unless it be disposed of promptly, it will probably go over for another year, to the very great detriment of a small number of farmers in the State of Washington. A very small section of my State is adversely affected by the situation involving the Trail smelter. I assure the Senator that if this treaty now goes over, it will be dead for another year.

Mr. AUSTIN. Mr. President, if it is necessary to consider this treaty this evening I shall ask for a quorum. We certainly will not consider and ratify a treaty with nearly all the seats in the Senate Chamber vacant.

Mr. McKELLAR. Mr. President, I hope the Senator will permit this treaty to be ratified, for the reason I will state. For a number of years we have been appropriating quite a large amount of money to bring about the settlement which has finally been reached. We notified the State Department some time ago that we would not make further appropriations for the purpose of handling this matter unless it could be settled. The State Department has sent us a treaty, which merely provides for the payment of money for damages occasioned to farms near the Canadian border in the State of Washington. That is all it means, merely the settlement of a matter which the Senate Committee on Appropriations has asked to have settled quite a number of times. I think it will save us a considerable amount of money, and I hope the Senator will withdraw his objection to this particular treaty. I do not make the request as to any other treaty.

Mr. PITTMAN. Mr. President, let me add a word. I realize that it is hardly advisable to take up treaties for consideration at this time of the evening, when perhaps a quorum is not present, and therefore I have asked to have two important treaties passed over.

I realize that the situation which has brought about the proposed treaty with Canada does require action. This matter has been under consideration for 8 or 10 years, and finally a partial agreement has been reached; that is, there has been an agreement as to damages occasioned up to 1932. Only $350,000 is involved, there has been work on this matter covering 10 years, and nearly that amount of money has been expended by the Government in investigating the affair, so I think the treaty ought to be ratified.

Mr. BONE. Mr. President, let me suggest to the Senator from Vermont that if he will withdraw his objection, if any question shall be raised as to the propriety of our action, the vote can be reconsidered tomorrow. This treaty applies merely to a handful of farmers in the State of Washington, who are to be paid money in the way of damages by the Canadian Government. It could not possibly affect the Senator's State; it affects only the welfare of a little handful of farmers in northern Washington.

Mr. PITTMAN. Let me also say that the treaty was unanimously agreed to by the committee, and the claim has been approved by the committee probably eight times, so that there is no controversy.

Mr. AUSTIN. Mr. President, of course I have no personal objection to the treaty. I have risen to object on account of the parliamentary situation, that is all. It does not appear to me that there is such an urgent situation that anyone would be harmed by letting the treaty go over until tomorrow.

Mr. BARKLEY. Mr. President, if the Senator will withdraw his objection and let the treaty be ratified, if any question shall be raised by anyone tomorrow I am satisfied that there would be no trouble in obtaining a reconsideration. But in this matter time is somewhat of the essence, inasmuch as action must be taken before the 15th of the month, and we know what handicaps sometimes arise here unexpectedly.

Mr. AUSTIN. Mr. President, I have not heard any reason presented for withdrawing the objection. If there is one, I shall be glad to hear it, but in the position in which I am placed, with the leader on this side absent, and having been requested by him to look after the situation, I feel bound to ask that this matter go over until tomorrow, in view of the absence of a quorum.

Mr. BARKLEY. I may say to the Senator that I am in the same situation in which he finds himself I have been asked to act in the absence of the majority leader. But the Senator from Oregon [Mr. MCNARY] before he left the Chamber was informed that we would have an executive session and that these matters would be taken up, and he did not seem to have any objection.

Mr. AUSTIN. Of course, Mr. President, I am willing to withdraw my objection and to suggest the absence of a quorum.

Mr. PITTMAN. Would the Senator have any objection to our asking unanimous consent that the Senate proceed to the consideration of executive business for the consideration of these treaties at 4 o'clock tomorrow?

Mr. AUSTIN. No; I shall be perfectly willing to agree to that.

Mr. PITTMAN. Then, I ask that tomorrow at 4 o'clock the Senate proceed to the consideration of executive business for the purpose of considering treaties on the Executive Calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will state the first nomination in order on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of John C. Mahoney to be United States district judge, district of Rhode Island.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Edward L. Burke, of Vermont, to be United States marshal, district of Vermont.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate, in legislative session, took a recess until tomorrow, Wednesday, June 5, 1935, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 4 (legislative day of May 13), 1935

POSTMASTERS

ALABAMA

Robert L. Stallworth to be postmaster at Evergreen, Ala., in place of J. T. Williams. Incumbent's commission expired April 28, 1934.

Richard Glenn Rice to be postmaster at Northport, Ala., in place of W. K. Cooper. Incumbent's commission expired June 8, 1933.

ALASKA

Agnes Moran to be postmaster at Nenana, Alaska, in place of M. J. Martin. Incumbent's commission expired February 20, 1935.

ARIZONA

John Campbell to be postmaster at Bisbee, Ariz., in place of John Caretto. Incumbent's commission expired December 18, 1934.

Velasco C. Murphy to be postmaster at Globe, Ariz., in place of C. J. Alden. Incumbent's commission expired December 18, 1934.

ARKANSAS

Houston E. Mayhew to be postmaster at Greenbrier, Ark., in place of J. C. Flowers, removed.

Allen T. Cowden to be postmaster at Horatio, Ark., in place of E. B. Millard. Incumbent's commission expired December 20, 1934.

CALIFORNIA

Charles W. Spencer to be postmaster at Aptos, Calif., in place of Cornelius van Kaathoven. Incumbent's commission expired December 16, 1934.

Richard G. Glover to be postmaster at Camarillo, Calif., in place of F. W. Stein, removed.

Raymond D. Siler to be postmaster at Corning, Calif., in place of O. B. Liersch, resigned.

Robert A. Ascot to be postmaster at Highland, Calif., in place of G. M. Leuschen. Incumbent's commission expired February 6, 1934.

Edwin C. Halverson to be postmaster at Lynwood, Calif., in place of H. A. Kaufman. Incumbent's commission expired January 11, 1934.

Charles M. Gorham to be postmaster at Mar Vista, Calif., in place of J. L. Quist. Incumbent's commission expired September 30, 1933.

Enoch H. Russell to be postmaster at Ramona, Calif., in place of G. R. Comings, deceased.

Jessie R. South to be postmaster at Santa Clara, Calif., in place of B. C. Downing. Incumbent's commission expired February 14, 1935.

COLORADO

Roy Maxwell to be postmaster at Fort Collins, Colo., in place of J. L. Nightingale, retired.

John T. Adkins to be postmaster at Holly, Colo., in place of H. D. Steele, deceased.

George Cole to be postmaster at Monte Vista, Colo., in place of J. W. Conant. Incumbent's commission expired February 4, 1935.

Arthur L. Carlson to be postmaster at Wellington, Colo., in place of F. M. Marsh. Incumbent's commission expired December 8, 1934.

CONNECTICUT

Edward C. Dillon to be postmaster at Elmwood, Conn., in place of T. C. Brown. Incumbent's commission expired December 18, 1934.

Louis P. Despelteau to be postmaster at North Grosvenor Dale, Conn., in place of H. R. Carignan, removed.

DELAWARE

Fred E. Gebhart to be postmaster at Hockessin, Del. Office became presidential July 1, 1934.

FLORIDA

William E. Arthur to be postmaster at Bradenton, Fla., in place of M. F. Thrasher, retired.

R. Aline Fraser to be postmaster at Macclenny, Fla., in place of E. V. Turner. Incumbent's commission expired September 30, 1933.

GEORGIA

Robert G. Hartsfield to be postmaster at Bainbridge, Ga., in place of C. J. Williams. Incumbent's commission expired February 25, 1935.

Joe F. White to be postmaster at Canon, Ga., in place of R. H. Ridgway, removed.

Charles R. Brumby to be postmaster at Cedartown, Ga., in place of A. K. Bunn. Incumbent's commission expired December 16, 1934.

Hal D. Austin to be postmaster at Conyers, Ga., in place of Esther McCollum. Incumbent's commission expired February 25, 1935.

Margaret C. Henderson to be postmaster at Fair Mount, Ga., in place of Dallas Thompson. Incumbent's commission expired February 25, 1935.

Olive S. Fraser to be postmaster at Hinesville, Ga. Incumbent's commission expired July 1, 1934.

Sadie W. Crittenden to be postmaster at Shellman, Ga., in place of T. H. Anthony. Incumbent's commission expired February 25, 1935.

James H. Mahone to be postmaster at Talbotton, Ga., in place of W. B. Allen. Incumbent's commission expired June 10, 1934.

Jones R. Arnold to be postmaster at Thomson, Ga., in place of L. G. Dozier. Incumbent's commission expired February 25, 1935.

IDAHO

Halo M. Hart to be postmaster at Preston, Idaho, in place of Wells McEntire. Incumbent's commission expired February 6, 1934.

Mercedes Tremblay to be postmaster at Priest River, Idaho, in place of W. P. Jones. Incumbent's commission expired December 18, 1934.

ILLINOIS

Herman G. Wangelin to be postmaster at Belleville, Ill., in place of Herman Semmelroth. Incumbent's commission expired December 18, 1934.

Howard M. Feaster to be postmaster at Hillsdale, Ill., in place of J. F. Mill, deceased.

Robert J. White to be postmaster at New Berlin, Ill., in place of E. F. Davis. Incumbent's commission expired February 25, 1935.

William M. Jones to be postmaster at Villa Grove, Ill., in place of G. J. Duncan, removed.

John R. King to be postmaster at Winchester, Ill., in place of E. S. Waid, removed.

INDIANA

Lester C. Leman to be postmaster at Bremen, Ind., in place of F. V. Annis, removed.

Edgar D. Logan to be postmaster at Goshen, Ind., in place of C. W. Foulks. Incumbent's commission expired February 25, 1935.

Maurice C. Goodwin to be postmaster at Newcastle, Ind., in place of S. J. Bufkin, resigned.

Cova H. Wetzel to be postmaster at Rockport, Ind., in place of Hilbert Bennett, removed.

Grover T. Van Ness to be postmaster at Summitville, Ind., in place of C. R. Jones. Incumbent's commission expired February 14, 1935.

George P. Marshall to be postmaster at Veterans' Administration Hospital, Ind., in place of Louis Pfefferle, Jr., removed.

John E. Robinson to be postmaster at Waynetown, Ind., in place of C. C. Darnell, removed.

Lawrence J. Etnire to be postmaster at Williamsport, Ind., in place of F. R. Hawley. Incumbent's commission expired February 21, 1935.

IOWA

Kathryn Fagan to be postmaster at Ayrshire, Iowa, in place of L. F. Cookinham. Incumbent's commission expired December 9, 1934.

Blanche M. Olsen to be postmaster at Ellsworth, Iowa, in place of Abner Reynolds. Incumbent's commission expired November 12, 1933.

William R. Flemming to be postmaster at Forest City, Iowa, in place of O. E. Gunderson. Incumbent's commission expired February 28, 1935.

DeEtta I. Reindl to be postmaster at Manly, Iowa, in place of R. A. Culver. Incumbent's commission expired January 22, 1935.

Mark A. Trumbull to be postmaster at Manson, Iowa, in place of Martha Slatter. Incumbent's commission expired June 24, 1934.

Leonard L. Snyder to be postmaster at Oskaloosa, Iowa, in place of C. S. Walling. Incumbent's commission expired December 20, 1934.

Ruth M. Stoltz to be postmaster at Ottumwa, Iowa, in place of H. A. Roth. Incumbent's commission expired December 20, 1934.

Otto Germar to be postmaster at Volga, Iowa, in place of C. E. Lovett. Incumbent's commission expired June 24, 1934.

Olive A. Burrows to be postmaster at Wilton Junction, Iowa, in place of C. J. Jacobsen. Incumbent's commission expired December 9, 1934.

KANSAS

Eugene Franklin Glover to be postmaster at Caldwell, Kans., in place of R. T. Smith. Incumbent's commission expired February 20, 1935.

Richard R. Bourne to be postmaster at Delphos, Kans., in place of H. E. Yenser, removed.

Max H. Dyck to be postmaster at Fowler, Kans., in place of A. J. Deane. Incumbent's commission expired February 5, 1935.

Elizabeth C. Johnson to be postmaster at Hartford, Kans., in place of M. P. Evans. Incumbent's commission expired December 18, 1934.

Orville K. McQueen to be postmaster at Kirwin, Kans., in place of G. K. Logan. Incumbent's commission expired January 22, 1935.

Harold J. Schafer to be postmaster at McPherson, Kans., in place of Eben Carlsson, deceased.

Oscar J. Strong to be postmaster at Mound City, Kans., in place of L. M. Holmes. Incumbent's commission expired December 20, 1934.

Charles L. Krouse to be postmaster at Onaga, Kans., in place of Clarence Haughawout, deceased.

Dick A. De Young to be postmaster at Prairie View, Kans., in place of I. L. Barham, removed.

Thomas W. Ross to be postmaster at Sterling, Kans., in place of H. M. Bentley. Incumbent's commission expired February 20, 1935.

George F. Popkess to be postmaster at Toronto, Kans., in place of J. M. Cable. Incumbent's commission expired April 15, 1934.

John H. Pennebaker to be postmaster at Virgil, Kans., in place of Caroline Boman. Incumbent's commission expired December 18, 1934.

Wilders D. McKimens to be postmaster at Westmoreland, Kans., in place of W. B. Hart. Incumbent's commission expired December 18, 1934.

KENTUCKY

Thomas L. Gorby to be postmaster at Cave City, Ky., in place of E. R. Lafferty. Incumbent's commission expired February 20, 1935.

William T. Miller to be postmaster at Hawesville, Ky., in place of E. J. Salm. Incumbent's commission expired December 20, 1934.

Byron P. Boyd to be postmaster at Sedalia, Ky., in place of L. B. Hollaway. Incumbent's commission expired June 20, 1934.

Virginia L. Daniel to be postmaster at Van Lear, Ky., in place of E. W. Beers, resigned.

MAINE

Albert A. Towne to be postmaster at Norway, Maine, in place of P. F. Stone, removed.

Don Owen Cate to be postmaster at Richmond, Maine, in place of H. N. Libby. Incumbent's commission expired December 20, 1934.

Linwood J. Emery to be postmaster at Sanford, Maine, in place of H. N. Ferguson. Incumbent's commission expired December 20, 1934.

MARYLAND

Edmund H. Bray to be postmaster at Easton, Md., in place of U. F. Carroll. Incumbent's commission expired July 1, 1934.

George L. Edmonds to be postmaster at Rockville, Md., in place of C. M. Jones. Incumbent's commission expired January 22, 1935.

MASSACHUSETTS

Robert P. Sheehan to be postmaster at Harvard, Mass., in place of W. B. Brown. Incumbent's commission expired February 10, 1934.

Katherine F. Rafferty to be postmaster at Rowley, Mass., in place of F. P. Todd. Appointee not commissioned.

MICHIGAN

William E. Oakes to be postmaster at Drayton Plains, Mich., in place of W. E. Oakes. Incumbent's commission expired March 2, 1935.

Milo E. Potter to be postmaster at Dundee, Mich., in place of C. G. Reynolds. Incumbent's commission expired January 28, 1934.

Marie L. Yaroch to be postmaster at Kinde, Mich., in place of E. L. Storbeck. Incumbent's commission expired December 8, 1932.

John H. Holmes to be postmaster at Mio, Mich. Office became Presidential July 1, 1934.

Fred E. Van Atta to be postmaster at Northville, Mich., in place of T. R. Carrington. Incumbent's commission expired February 14, 1934.

Frank C. Miller to be postmaster at Stevensville, Mich., in place of W. C. Heyn. Incumbent's commission expired June 17, 1934.

Edward N. Moroney to be postmaster at Trenton, Mich., in place of F. E. Pomeraning. Incumbent's commission expired December 20, 1934.

MINNESOTA

Carl E. Berkman to be postmaster at Chisholm, Minn., in place of W. B. Brown, resigned.

Alwyne A. Dale to be postmaster at Dover, Minn., in place of A. A. Dale. Incumbent's commission expired June 20, 1934.

Aileen R. Ellefson to be postmaster at Lancaster, Minn., in place of Roy Coleman, resigned.

Nels E. Fedson to be postmaster at Lyle, Minn., in place of C. P. Fossey. Incumbent's commission expired June 17, 1934.

John V. Schroeder to be postmaster at Saint Joseph, Minn., in place of J. C. Klein. Incumbent's commission expired April 2, 1934.

MISSISSIPPI

Frederick J. Fugitt to be postmaster at Booneville, Miss., in place of R. F. Bonds. Incumbent's commission expired June 9, 1934.

Dewey M. Collins (Mrs.) to be postmaster at Boyle, Miss., in place of M. R. Hammons, removed.

John B. Glenn to be postmaster at Brookville, Miss., in place of Myrtle Starnes, removed.

Ethel W. Still (Mrs.) to be postmaster at Clarksdale, Miss., in place of G. E. Cook. Incumbent's commission expired January 23, 1935.

James B. Keeton to be postmaster at Grenada, Miss., in place of F. S. York. Incumbent's commission expired July 1, 1934.

Samuel A. Witherspoon to be postmaster at Meridian, Miss., in place of Allan McCants. Incumbent's commission expired February 4, 1934.

Arthur V. Smith to be postmaster at Pascagoula, Miss., in place of T. R. Swartwout, transferred.

MISSOURI

John E. Moore to be postmaster at Clinton, Mo., in place of C. A. Mitchell, removed.

John M. Coe to be postmaster at Creighton, Mo. Office became Presidential July 1, 1934.

Ella B. Newman to be postmaster at Desloge, Mo., in place of M. C. Lester. Incumbent's commission expired February 25, 1935.

William R. Doss to be postmaster at Kimmswick, Mo., in place of J. L. Oheim. Incumbent's commission expired February 4, 1935.

Myrtie P. Chastain to be postmaster at Koshkonong, Mo., in place of T. J. Richardson. Incumbent's commission expired February 14, 1935.

Mary G. Ramsey to be postmaster at Lexington, Mo., in place of R. F. Stalling, removed.

Sam G. Downing to be postmaster at Malden, Mo., in place of B. S. Lacy. Incumbent's commission expired April 15, 1934.

Champ C. Ray to be postmaster at Middletown, Mo., in place of Guy Ridings. Incumbent's commission expired March 18, 1934.

Edward H. Mertens to be postmaster at Morrison, Mo., in place of H. H. A. Redeker. Incumbent's commission expired April 15, 1934.

Helen T. Meagher to be postmaster at Oregon, Mo., in place of I. F. Zeller, removed.

Edith E. Highfill to be postmaster at Thayer, Mo., in place of Addie Erwin. Incumbent's commission expired December 20, 1934.

MONTANA

Hiram B. Cloud to be postmaster at Wolf Point, Mont., in place of J. B. Randall, deceased.

NEBRASKA

Naomi G. Fackler to be postmaster at Burwell, Nebr., in place of G. T. Tunnicliff. Incumbent's commission expired January 22, 1935.

Harold Hald to be postmaster at Dannebrog, Nebr., in place of A. W. Sorensen, appointee not commissioned.

J. Melvern West to be postmaster at Herman, Nebr., in place of H. B. Cameron, deceased.

Fred C. Johnson to be postmaster at Merriman, Nebr., in place of O. A. McCray. Incumbent's commission expired December 18, 1934.

Albert H. Bahe to be postmaster at Ohiowa, Nebr., in place of A. H. Bahe. Incumbent's commission expired February 4, 1935.

Ben G. Worthing to be postmaster at Overton, Nebr., in place of Thomas Pierson. Incumbent's commission expired January 22, 1935.

Effie E. Adams to be postmaster at Ralston, Nebr., in place of G. W. Harding. Incumbent's commission expired January 13, 1935.

NEVADA

Alfred Tamblyn to be postmaster at Ely, Nev., in place of H. J. Marriott, resigned.

Linwood W. Campbell to be postmaster at Pioche, Nev., in place of J. W. Christian, resigned.

NEW HAMPSHIRE

Frank B. Gould to be postmaster at Bradford, N. H., in place of L. F. Carr. Incumbent's commission expired December 8, 1934.

Hadley B. Worthen to be postmaster at Bristol, N. H., in place of F. H. Ackerman. Incumbent's commission expired December 18, 1934.

Raymond J. Carr to be postmaster at Lancaster, N. H., in place of L. K. Smith. Incumbent's commission expired January 22, 1935.

John J. Kirby to be postmaster at Milford, N. H., in place of S. C. Coburn. Incumbent's commission expired December 18, 1934.

NEW JERSEY

Edward Brodstein to be postmaster at Asbury Park, N. J., in place of Harry Harsin. Incumbent's commission expired January 28, 1934.

John Carey to be postmaster at Glassboro, N. J., in place of A. W. Marshall, resigned.

Martin A. Armstrong to be postmaster at Maple Shade, N. J., in place of J. M. Evans. Incumbent's commission expired May 13, 1934.

Leroy Jeffries to be postmaster at Ocean City, N. J., in place of J. R. Hildreth, removed.

NEW MEXICO

Laura W. Martinez to be postmaster at Tierra Amarilla, N. Mex. Office became presidential July 1, 1934.

NEW YORK

John M. O'Keefe to be postmaster at Addison, N. Y., in place of Burrell Vastbinder. Incumbent's commission expired March 8, 1934.

Verner Sharp to be postmaster at Altamont, N. Y., in place of Christopher Martin, removed.

Ruth M. Marleau to be postmaster at Big Moose, N. Y., in place of R. M. Marleau. Incumbent's commission expired June 20, 1934.

Josephine Adams to be postmaster at Blue Point, N. Y., in place of L. A. Brunnemer, removed.

Seth B. Howes to be postmaster at Brewster, N. Y., in place of Howard Tuttle, removed.

Eber T. McDonald to be postmaster at Cayuga, N. Y., in place of W. S. Finney. Incumbent's commission expired January 23, 1935.

Andrew R. Schmitt to be postmaster at Cheektowaga, N. Y., in place of C. K. Lenz. Incumbent's commission expired December 8, 1934.

Katharine G. Bement to be postmaster at Clifton Springs, N. Y., in place of A. B. Barker, removed.

John J. Finnegan to be postmaster at Fairport, N. Y., in place of W. H. Mason, retired.

Fred T. Frisby to be postmaster at Franklin Square, N. Y., in place of Joseph Alese. Incumbent's commission expired December 16, 1933.

Henry T. Farrell to be postmaster at Indian Lake, N. Y., in place of V. B. Hutchins. Incumbent's commission expired June 28, 1934.

Robert F. McCabe to be postmaster at Johnson City, N. Y., in place of C. E. Watson. Incumbent's commission expired November 6, 1933.

Clifton R. Ericsson to be postmaster at Kennedy, N. Y., in place of J. J. Tyler, resigned.

Burton D. Calkin to be postmaster at Lake Huntington, N. Y., in place of Ella Babcock. Incumbent's commission expired March 8, 1934.

Edward Hart to be postmaster at Lake Placid Club, N. Y., in place of J. C. Jubin. Incumbent's commission expired May 2, 1934.

George H. Bogardus to be postmaster at Morristown, N. Y., in place of D. C. Gilmour. Incumbent's commission expired March 18, 1934.

George R. Hunter to be postmaster at Pine Plains, N. Y., in place of J. W. Hedges. Incumbent's commission expired May 29, 1934.

Archibald O. Abeel to be postmaster at Round Lake, N. Y., in place of W. P. Andres. Incumbent's commission expired December 18, 1934.

Leon L. Baker to be postmaster at Willsboro, N. Y., in place of A. A. Patterson, resigned.

NORTH CAROLINA

George M. Sudderth to be postmaster at Blowing Rock, N. C., in place of H. P. Holshouser, removed.

Patrick H. McDonald to be postmaster at Carthage, N. C., in place of R. G. Wallace. Incumbent's commission expired February 4, 1935.

Wingate A. Lambertson to be postmaster at Rich Square, N. C., in place of T. H. Peele, deceased.

Leslie G. Shell to be postmaster at Roanoke Rapids, N. C., in place of J. L. Vest. Incumbent's commission expired December 20, 1934.

Henry E. Earp to be postmaster at Selma, N. C., in place of J. D. Massey. Incumbent's commission expired June 26, 1934.

John R. Dildy to be postmaster at Wilson, N. C., in place of G. W. Stanton, deceased.

NORTH DAKOTA

Catherine Ross to be postmaster at Arthur, N. Dak., in place of O. M. Burgum. Incumbent's commission expired January 22, 1935.

William Stewart to be postmaster at Butte, N. Dak., in place of Cassie Stewart. Incumbent's commission expired May 2, 1934.

Dorothy L. Schultz to be postmaster at Carpio, N. Dak., in place of Daisy Thompson. Incumbent's commission expired December 18, 1934.

Frank M. McConn to be postmaster at Fairmount, N. Dak., in place of J. H. Bolton. Incumbent's commission expired March 22, 1934.

Mildred Peck to be postmaster at Glenburn, N. Dak., in place of Reinhart Gilbertsen. Incumbent's commission expired January 22, 1934.

Loren J. Savage to be postmaster at Litchville, N. Dak., in place of J. E. Nelson. Incumbent's commission expired December 12, 1932.

Wallace W. O'Hara to be postmaster at Neche, N. Dak., in place of E. R. Dennison. Incumbent's commission expired November 20, 1933.

Walter E. Harke to be postmaster at New Leipzig, N. Dak., in place of M. H. Weber, removed.

Bland Elsberry to be postmaster at Rocklake, N. Dak., in place of W. W. Lehman. Incumbent's commission expired January 11, 1934.

Christian H. Budke to be postmaster at Sherwood, N. Dak., in place of Minnie Alexander. Incumbent's commission expired January 22, 1935.

Howard Miller to be postmaster at Werner, N. Dak., in place of O. G. Black. Incumbent's commission expired May 2, 1934.

OHIO

John Jacoby, Sr., to be postmaster at Carey, Ohio, in place of Herbert Newhard, Sr., January 22, 1935.

Caleb Peter Motz to be postmaster at Fairlawn, Ohio, in place of F. S. McCoy. Incumbent's commission expired December 18, 1934.

John Z. Lytle to be postmaster at Fredericksburg, Ohio, in place of J. P. Cramer. Incumbent's commission expired February 14, 1935.

Joseph H. Church, Jr., Glendale, Ohio, in place of Fred Brockmeyer, removed.

Charles L. Collett to be postmaster at Ironton, Ohio, in place of J. B. Davis. Incumbent's commission expired February 20, 1935.

Orville C. Ryan to be postmaster at Peebles, Ohio, in place of M. O. Brooke, retired.

George W. Johnson to be postmaster at Worthington, Ohio, in place of A. C. Griffith. Incumbent's commission expired December 18, 1934.

OKLAHOMA

James H. Sellars, Jr., to be postmaster at Binger, Okla., in place of E. W. Drake, resigned.

Murlin V. Braly to be postmaster at Buffalo, Okla., in place of A. V. Roberts. Incumbent's commission expired December 16, 1933.

Jean C. Petty to be postmaster at Caddo, Okla., in place of U. S. Markham. Incumbent's commission expired May 2, 1934.

Frank J. Kamphaus to be postmaster at Canute, Okla., in place of J. C. Ely. Incumbent's commission expired October 31, 1933.

Louis F. Dievert to be postmaster at Covington, Okla., in place of H. W. Amis. Incumbent's commission expired January 22, 1935.

Jesse W. Haydon to be postmaster at El Reno, Okla., in place of L. K. Butts. Incumbent's commission expired March 22, 1934.

Weltha Guilford Heflin to be postmaster at Erick, Okla., in place of G. W. Sewell. Incumbent's commission expired December 16, 1933.

Hannie B. Melton to be postmaster at Hastings, Okla., in place of A. H. Figley. Incumbent's commission expired December 13, 1932.

James Q. Tucker to be postmaster at Hollis, Okla., in place of T. H. Gillentine, removed.

Charles H. Hatfield to be postmaster at Hydro, Okla., in place of Earl Ridenour, removed.

Thomas F. Green to be postmaster at Meeker, Okla., in place of W. E. Primm, deceased.

Roy Rine to be postmaster at Nash, Okla., in place of Elinore Jett, removed.

Earl C. Lucas to be postmaster at Newkirk, Okla., in place of U. S. Curry. Incumbent's commission expired January 22, 1935.

Blanche Lucas to be postmaster at Ponca City, Okla., in place of F. B. Lucas, deceased.

Shelby T. McNutt to be postmaster at Ringwood, Okla., in place of A. W. McCreary. Incumbent's commission expired December 16, 1933.

OREGON

Victor P. Moses to be postmaster Corvallis, Oreg., in place of C. E. Ingalls. Incumbent's commission expired February 20, 1935.

Nelson J. Nelson, Jr., to be postmaster at Cottage Grove, Oreg., in place of Elbert Smith. Incumbent's commission expired December 13, 1932.

Lester L. Wimberly to be postmaster at Roseburg, Oreg., in place of C. S. Heinline. Incumbent's commission expired December 18, 1934.

William C. Sorsby to be postmaster at Wauna, Oreg. Office became Presidential July 1, 1934.

PENNSYLVANIA

Nita Elwood to be postmaster at Apollo, Pa., in place of C. H. Truby, removed.

George Lange to be postmaster at Belle Vernon, Pa., in place of H. N. Beazell, removed.

Earl T. Zerby to be postmaster at Bernville, Pa., in place of J. D. Moll, removed.

J. Russell Clayton to be postmaster at Bryn Athyn, Pa., in place of J. R. Clayton. Incumbent's commission expired April 22, 1934.

George D. McCutcheon to be postmaster at Fredonia, Pa., in place of H. W. Redfoot, removed.

Christian S. Clayton to be postmaster at Huntingdon Valley, Pa., in place of C. S. Clayton. Incumbent's commission expired January 19, 1933.

Edna M. Finney to be postmaster at Langeloth, Pa., in place of Margaret Patterson. Incumbent's commission expired May 2, 1934.

Edward F. Poist to be postmaster at McSherrystown, Pa., in place of E. F. Poist. Incumbent's commission expired January 13, 1935.

George C. Dietz to be postmaster at Mechanicsburg, Pa., in place of B. E. Stansfield, resigned.

H. Oscar Young to be postmaster at Plymouth Meeting, Pa., in place of H. O. Young. Incumbent's commission expired January 29, 1933.

Perry A. Tschop to be postmaster at Red Lion, Pa., in place of M. C. Holtsinger. Incumbent's commission expired February 25, 1935.

Lucy A. Sellers to be postmaster at Robertsdale, Pa., in place of L. A. Sellers. Incumbent's commission expired February 8, 1933.

PUERTO RICO

George P. DePass to be postmaster at San Juan, P. R., in place of Rafael del Valle. Incumbent's commission expired May 29, 1934.

SOUTH CAROLINA

Philip M. Clement to be postmaster at Charleston, S. C., in place of E. H. Jennings. Incumbent's commission expired December 20, 1934.

John R. Rivers to be postmaster at Chesterfield, S. C., in place of E. O. Greene. Incumbent's commission expired December 20, 1934.

SOUTH DAKOTA

Otto V. Bruner to be postmaster at Geddes, S. Dak., in place of R. C. Gibson. Incumbent's commission expired June 2, 1930.

Iris I. Engler to be postmaster at Ipswich, S. Dak., in place of L. J. Thomas. Incumbent's commission expired February 28, 1933.

TENNESSEE

John F. Dunbar to be postmaster at Grand Junction, Tenn., in place of M. B. Tipler. Incumbent's commission expired January 28, 1935.

John W. Simmons to be postmaster at Moscow, Tenn., in place of Walter Carr. Incumbent's commission expired December 18, 1934.

Moda M. Marcum to be postmaster at Oneida, Tenn., in place of W. S. Stanley. Incumbent's commission expired December 16, 1933.

Hugh V. Somerville to be postmaster at Paris, Tenn., in place of J. W. Wiggs. Incumbent's commission expired January 28, 1934.

TEXAS

Ephraim B. Hyer to be postmaster at Buckholts, Tex., in place of J. S. Mewhinney, resigned.

Ross H. Johnson to be postmaster at Burnet, Tex., in place of M. L. Gibbs. Incumbent's commission expired February 4, 1935.

Otis G. Baker, Jr., to be postmaster at Edna, Tex., in place of Andrew Schmidt. Incumbent's commission expired April 15, 1934.

Alva C. Cotney to be postmaster at Follett, Tex., in place of Edson E. King. Incumbent's commission expired June 20, 1934.

Mildred M. Hardie to be postmaster at Freer, Tex. Office became Presidential July 1, 1934.

Rosa M. Boucher to be postmaster at Gorman, Tex., in place of S. B. Smith, deceased.

Cecil R. Coale to be postmaster at Orange, Tex., in place of H. C. Arnold, removed.

Mansel R. Coffee to be postmaster at Perryton, Tex., in place of F. M. Black, resigned.

Charlie C. Truitt to be postmaster at Pittsburg, Tex., in place of Ethel Milligan. Incumbent's commission expired February 4, 1935.

Lemuel O. Robbins to be postmaster at Raymondville, Tex., in place of B. B. Hackett. Incumbent's commission expired January 28, 1934.

Charles B. Morris to be postmaster at Rhome, Tex., in place of J. R. Taylor, resigned.

Frank Clark to be postmaster at Rockwall, Tex., in place of J. E. Risley. Incumbent's commission expired February 4, 1935.

Roy C. Owens to be postmaster at Tyler, Tex., in place of J. B. Miller. Incumbent's commission expired January 7, 1935.

Ellis Campbell to be postmaster at Wills Point, Tex., in place of Dyde Manning. Incumbent's commission expired February 4, 1935.

VERMONT

Earl W. Davis to be postmaster at Bridgewater, Vt., in place of W. B. Needham. Incumbent's commission expired February 25, 1935.

Jeremiah C. Durick to be postmaster at Fair Haven, Vt., in place of F. R. Lloyd. Incumbent's commission expired January 28, 1935.

Richard Harlie Standish to be postmaster at Montpelier, Vt., in place of C. F. McKenna. Incumbent's commission expired January 22, 1935.

VIRGINIA

Fletcher L. Elmore to be postmaster at Alberta, Va., in place of D. T. Walthall. Incumbent's commission expired January 13, 1935.

William P. Bostick to be postmaster at Burkeville, Va., in place of A. K. Sampson. Incumbent's commission expired February 14, 1935.

Thomas B. McCaleb to be postmaster at Covington, Va., in place of G. L. Schumaker. Incumbent's commission expired February 25, 1935.

Herbert H. Rhea to be postmaster at Damascus, Va., in place of B. W. Mock, removed.

John A. Garland to be postmaster at Farmville, Va., in place of S. C. Bliss. Incumbent's commission expired January 13, 1935.

Horace F. Crismond to be postmaster at Fredericksburg, Va., in place of G. M. Harrison. Incumbent's commission expired February 25, 1935.

Walter S. Wilson to be postmaster at Raphine, Va., in place of W. C. McCormick. Incumbent's commission expired January 31, 1934.

WASHINGTON

Jennie B. Simmons to be postmaster at Carnation, Wash., in place of Jesse Simmons. Incumbent's commission expired April 2, 1934.

Walter A. Gross to be postmaster at Enumclaw, Wash., in place of G. N. Lafrombois. Incumbent's commission expired June 20, 1934.

Marcus O. Nelsen to be postmaster at Kent, Wash., in place of M. M. Risedorph. Incumbent's commission expired January 22, 1935.

Walfred Johnson to be postmaster at Lowell, Wash., in place of W. C. Black. Incumbent's commission expired June 16, 1934.

WEST VIRGINIA

Hugh B. Lynch to be postmaster at Chester, W. Va., in place of C. A. Dehner. Incumbent's commission expired February 6, 1935.

George C. Soward to be postmaster at Hurricane, W. Va., in place of W. O. Deacon. Incumbent's commission expired February 6, 1935.

Joseph F. Blackman to be postmaster at Parsons, W. Va., in place of Lawrence Lipscomb, removed.

WISCONSIN

Joseph Schmidlkofer to be postmaster at Chilton, Wis., in place of Herman Rau. Incumbent's commission expired February 14, 1935.

David A. Holmes to be postmaster at Milton, Wis., in place of S. S. Summers. Incumbent's commission expired February 25, 1935.

Clarence G. Schultz to be postmaster at Neenah, Wis., in place of J. C. Fritzon. Incumbent's commission expired February 20, 1935.

John P. Snyder to be postmaster at Oconomowoc, Wis., in place of C. S. Brent, deceased.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 4 (legislative day of May 13), 1935

UNITED STATES DISTRICT JUDGE

John C. Mahoney to be United States district judge, district of Rhode Island.

UNITED STATES MARSHAL

Edward L. Burke to be United States marshal, district of Vermont.

APPOINTMENTS IN THE REGULAR ARMY

TO BE SECOND LIEUTENANTS WITH RANK FROM JUNE 12, 1935

Corps of Engineers

John Drake Bristor
Donald Abeel Phelan
Aaron Evan Harris
David Hamilton Gregg
Albert Joseph Shower
Arthur Houston Frye, Jr.
Herbert Caran Gee
Jack Wallis Hickman
Donald Allen Elliget
Clyde Calhoun Zeigler
Leighton Ira Davis
Charles Bernard Rynearson
Oliver Joseph Pickard
John Blackwell Davenport, Jr.
Otto Jacob Rohde
John Somers Buist Dick
William Winston Lapsley
James DeVore Lang
George Rosse Smith, Jr.
Charles Jephthiah Jeffus
Henry Lewis Hille, Jr.

Signal Corps

Harry James Lewis
Clyde Benjamin Sims
Walter Albert Simpson
James Mobley Kimbrough, Jr.
Willis Fred Chapman
Russell Eugene Nicholls

Cavalry

John Sutton Growdon
Richard Elmer Ellsworth
Kelso Gordon Clow
Richard Marvin Bauer
Eugene Nall
Norman Arthur Loeb
Maynard Denzil Pedersen
Thomas Wildes
James Dyce Alger
Ralph Edward Haines, Jr.
Ewing Chase Johnson
Francis Johnstone Murdoch, Jr.
Wilhelm Cunliffe Freudenthal
Thomas Duncan Gillis
John Foster Rhoades
William Vincent Martz
Lawrence Edward Schlanser
Henry Thomas Cherry, Jr.
Edgar Joseph Treacy, Jr.
Paul Montgomery Jones
Caesar Frank Fiore
Charles Phelps Walker
Charles Joseph Hoy
Vernon Price Mock
Edward William Sawyer
Andrew Jackson Boyle
Albert Ambrose Matyas
Benjamin White Heckemeyer
John James Davis
Pelham Davis Glassford, Jr.
Robert Hollis Strauss
Ralph Shaffer Harper

Field Artillery

David Campbell Wallace
George Ruhlen
Cornelis DeWitt Willcox Lang
John Joseph Duffy
Carl Watkins Miller
Salvatore Andrew Armogida
William Paulding Grieves
Stanley Tage Birger Johnson
James Van Gorder Wilson
Frank Alexander Osmanski
Frederick Benjamin Hall, Jr.
Langfitt Bowditch Wilby
Elmer John Koehler
Charles Albert Symroski
Harry Jacob Lemley, Jr.
Duncan Sinclair
John Kimball Brown, Jr.
Geoffrey Dixon Ellerson
Robert Morris Stillman
George Blackburne, Jr.
George Stafford Eckhardt
Edward Stephen Bechtold
Ivan Clare Rumsey
Raymond William Sumi
Daniel John Murphy
Edward Gray
Hugh McClellan Exton
Durward Ellsworth Breakefield
Sanford Welsh Horstman
David Gilbert Presnell
Harry Herndon Critz
Edward Kraus
Earl Leo Barr
John Alexis Gloriod
Nathaniel Macon Martin
James Martin Worthington
Robert Clarence McDonald, Jr.
Joseph Waters Keating
Kenneth Paul Bergquist
John Newton Wilson
Lawrence Robert St. John
Gerald Frederick Brown
Robert Van Roo
Arthur Allison Fickel
Charles Maclean Peeke
Raymond Boyd Firehock
Downs Eugene Ingram
Edgar Allan Clarke
Harrison Barnwell Harden, Jr.
James Luke Frink, Jr.
Elmer John Gibson
James Howard Walsh
Walter Joseph Bryde

Coast Artillery Corps

Clarence Carl Haug
Bernard Sanders Waterman
George Raymond Wilkins
Ray Allen Pillivant
Ellery Willis Niles
Alvin Dolliver Robbins
Sidney George Spring
Seth Lathrop Weld, Jr.
Harry John Harrison
Henry Porter vanOrmer
Clifford Wellington Hildebrandt
Kenneth Irwin Curtis
Joseph Charles Moore
James Michael Donohue
Halford Robert Greenlee, Jr.
Willard George Root
Harry Rich Hale
Seneca Wilbur Foote
James Willoughby Totten
William Henderson Baynes
Eugene Henry Walter
Russell Melroy Miner
John Nevin Howell
Alfred Ashman
Franklin Bell Reybold
Robert Monroe Hardy
Pennock Hoyt Wollaston
Francis Mark McGoldrick
John Alfrey
Kermit Richard Schweidel
Robert Morris
John Brown Morgan
William Robert Murrin
Richard Carlton Boys
Robert Edward Frith, Jr.
Norman Arvid Skinrood.

Infantry

John Lathrop Throckmorton
John Richards Parker
Warren Sylvester Everett
John Dudley Cole, Jr.
Henry Chaffee Thayer
James Yeates Adams
William Henry Brearley, Jr.
Robert Rigby Glass
Clarence Bidgood
Robert Whitney Wood
Joseph Gordon Russell
Salathiel Fred Cummings, Jr.
Horace Wilson Hinkle
Milton Lawrence Rosen
John Ralph Wright, Jr.
Edward Moseley Harris
Carl Mosby Parks
Julius Desmond Stanton
Thomas Washington Woodyard, Jr.
Stuart Gilbert Fries
Charles Frederick Leonard, Jr.
James Frank Skells
Albert Curtis Wells, Jr.
John Mason Kemper
Hamilton Austin Twitchell
Aaron Warner Tyer
German Pierce Culver
Carl Theodore Isham
Joseph Rieber Russ
John Henry Dilley
Eugene Charles Orth, Jr.
Autrey Joseph Maroun
Willard Leo Egy, Jr.
Milton Clay Taylor
George Frederick Marshall
Joseph Cobb Stancook
Albert Frederick Johnson
Joseph Henry Wiechmann
George Robert Oglesby
John Calvin Stapleton
Kent Kane Parrot, Jr.
Noel Maurice Cox
Joseph Crook Anderson
John Hart Caughey
Edwin Major Smith
Leroy William Austin
Charles Jordan Daly
Samuel Cummings Mitchell
Reuben Henry Tucker, 3d
William Genier Proctor
Lamont Saxton
Elmer Hardic Walker
Clair Beverly Mitchell
John Williamson
John Pearson Sherden, Jr.

Jack Jones Richardson
Louis Duzzette Farnsworth, Jr.
John Allen Beall, Jr.
Lamar Fenn Woodward
Orin Houston Moore
Charles Wythe Gleaves Rich
Donald William Bernier
Harvey Bower
Allen Harvey Foreman
Wilson Dudley Coleman
Floyd Garfield Pratt
Thomas Cebern Musgrave, Jr.
Glenn Cole
William Lee Herold
William Bradford Means
John Eidell Slaughter
Robert Gibson Sherrard, Jr.
John Alfred Metcalfe, Jr.
Stephen Disbrow Cocheu
John Neiger
Thomas Joseph Gent, Jr.
Benjamin Walker Hawes
Nassieb George Bassitt
Ducat McEntee
William Robert Patterson
Oscar Rawles Bowyer
Norman Basil Edwards
Robert Eugene Tucker
Herbert Frank Batcheller
Maurice Monroe Simons
Richard Cathcart Hopkins
Alfred Kirk duMoulin
Walter Edward Bare, Jr.
Charles Barry Borden
Paul James Bryer
Raymond Clarence Adkisson
Emerson Oliver Liessman
Burnis Mayo Kelly
Lester Lewes Wheeler
Carmon Ambrose Rogers
Russell Batch Smith
Marcus Samuel Griffin
James George Balluff
Richard Hayden Agnew
Francis Regis Herald
John Leroy Thomas
George Brendan O'Connor
Russell Lynn Hawkins
Eric Per Ramee
Edwin Hood Ferris
Jack Roberts
Robert Middleton Booth
George Madison Jones
David Albaugh DeArmond
Rives Owens Booth
Wilson Larzelere Burley, Jr.
James Louis McGehee
Walter Albert Riemenschneider
William Pierce O'Neal, Jr.
George Place Hill, Jr.
Melville Brown Coburn
Alvin Louis Mente, Jr.
Harry Franklin Sellers
David Bonesteel Stone
Roland Joseph Rutte
Glenn Curtis Thompson
Samuel Barcus Knowles, Jr.
Jack Moore Buckler
James Baird Buck
Ralph Osborn Lashley
Thomas Robert Clarkin
John Pope Blackshear
John Trueheart Mosby

TO BE SECOND LIEUTENANT WITH RANK FROM JUNE 13, 1935

Infantry

Lea Campbell Roberts

APPOINTMENTS IN THE NAVY

To be ensigns, revocable for 2 years, from the 6th day of June 1935

William C. Abhau
Benjamin E. Adams, Jr.
Samuel Adams
Elmer D. Anderson
Nevett B. Atkins
Marshall H. Austin
Richard E. Babb
Leonard J. Baird
George T. Baker
Fred E. Bakutis
Thomas A. Baldwin
Sheldon E. Ball
John J. Baranowski
Eugene A. Barham
John S. Barleon, Jr.
William R. Barnes
Frank L. Barrows
Wilson R. Bartlett
Thomas S. Baskett
Louis H. Bauer
Ralph J. Baum
Ralph R. Beacham
Edwin S. Beggs, Jr.
Bradley F. Bennett
James A. Bentley
John H. Besson, Jr.
Warren J. Bettens
Lyle McK. Blohm
Cecil E. Blount
Albert M. Bontier
Blake B. Booth
Fred Borries, Jr.
Albert H. Bowker
Peter F. Boyle
John H. Brandt
Edward W. Bridewell
Chester A. Briggs
Fenelon A. Brock
James H. Brown
Robert S. Burdick
Richard H. Burns
George H. Cairnes
Turner F. Caldwell, Jr.
Grafton B. Campbell
Stephen W. Carpenter
Briscoe Chipman
Gerald L. Christie
Bladen D. Claggett
James S. Clark
William C. Clark
Donald N. Clay
Giles D. Clift
Dale E. Cochran
Cyrus C. Cole
George L. Conkey
Charles W. Consolvo
John H. Cotten
George A. Crawford
John B. Crosby
Thomas D. Cummins
John O. Curtis
Slade D. Cutter
George E. Davis, Jr.
Joel A. Davis, Jr.
Arthur T. Decker
Edwin Denby, Jr.
Louis M. Detweiler
Roscoe F. Dillen, Jr.
Alva W. Dinwiddie
Sherwood H. Dodge
Raymond E. Doll
Robert E. Dornin
Joseph E. Dougherty
Nicholas G. Doukas
John G. Downing
Walter J. East, Jr.
Lawrence L. Edge
Allan C. Edmands
John H. Eichmann
Arthur V. Ely
John M. Ennis
Marion H. Eppes
Mark Eslick, Jr.
Richard M. Farrell
John J. Fee
Jack C. Ferguson
John N. Ferguson, Jr.
Oliver D. Finnigan, Jr.
Maurice F. Fitzgerald
James F. Fitzpatrick, Jr.
John J. Flachsenhar
John S. Fletcher.
Eugene B. Fluckey
John J. Foote
Clifford S. Foster, Jr.
William J. Francis, Jr.
Mason B. Freeman
Ross E. Freeman
John S. C. Gabbert
Victor M. Gadrow
Norman D. Gage
William E. Gaillard
Francis M. Gambacorta
Earle G. Gardner, Jr.
Jesse B. Gay, Jr.
Noel A. M. Gayler
William J. Germershausen, Jr.
John D. Gerwick
Arthur A. Giesser
Thomas C. Gillmer
George D. Good
Alonzo D. Gorham
William P. Gruner, Jr.
William S. Guest
John A. Hack
Hubert B. Harden
Frederick J. Harlfinger, 2d
Richard E. Harmer
Dewitt A. Harrell
Charles L. Harris, Jr.
Martin T. Hatcher
Amos T. Hathaway
Philip F. Hauck
William H. Hazzard
Edwin H. Headland
John A. Heath
Walter F. Henry
Frank B. Herold
Franklin G. Hess
Grover S. Higginbotham
Ted A. Hilger
Louis R. Hird
Robert H. Holmes
Clark A. Hood, Jr.
Charles D. Hoover
Alexander C. Husband
William W. Hyland
Ronald K. Irving
Albert L. Carlson
Harold J. Islev-Petersen
Richard G. Jack
Robert W. Jackson
William G. Jackson, Jr.
Carter B. Jennings
Karl E. Johansson
James L. Johnston
Robert B. Kail
Constantine A. Karaberis
Carleton R. Kear, Jr.
Roger M. Keithly
Robert B. Kelly
John P. Kilroy
Manning M. Kimmel
Frederic W. Kinsley
Raleigh C. Kirkpatrick, Jr.
Doyen Klein
Roy C. Klinker
Horace C. Laird, Jr.
George S. Lambert
Clement E. Langlois
Charles B. Langston
Harold H. Larsen
George R. Lee
John M. Lee
John R. Lewis
Stanley W. Lipski
John G. Little, 3d
Weldon H. Lloyd
John H. Lofland, Jr.
Sam C. Loomis, Jr.
Richard B. Lynch
Dennis C. Lyndon
Thomas R. Mackie
Francis X. Maher, Jr.
Groome E. Marcus, Jr.
Constantine C. Mathas
Frederick R. Matthews
John H. Maurer
James L. P. McCallum
Irving G. McCann, Jr.
David H. McClintock
John W. McCormick
Clyde H. McCroskey, Jr.
Harold W. McDonald
Rhodam Y. McElroy, Jr.
Girard L. McEntee, Jr.
James F. McFadden
Richard McGowan
Harrison P. McIntire
William F. McLaren
Robert B. McLaughlin
John H. McQuilkin
Herman J. Mecklenburg
Ralph M. Metcalf
Edward A. Michel, Jr.
John R. Middleton, Jr.
George H. Mills, Jr.
James H. Mini
Keats E. Montross
Dwight L. Moody
Walter A. Moore, Jr.
William F. Morrison
Henry L. Muller
John F. Murdock
Charles H. S. Murphy
Kenneth F. Musick
David Nash
Arnold H. Newcomb
Clinton A. Neyman, Jr.

Alan McL. Nibbs
Samuel Nixdorff
James R. North
Warren E. Oliver
Edgar G. Osborn
Norman M. Ostergren
Edward C. Outlaw
Wyman H. Packard
Alton E. Paddock
Richard S. Paret
Edwin B. Parker, Jr.
Jefferson D. Parker
Raymond M. Parrish
John W. Payne, Jr.
Joe R. Penland
Marcus R. Peppard, Jr.
William F. Petrovic
George Philip, Jr.
Frederick N. Phillips, Jr.
Robert A. Phillips
Joseph P. Plichta
William T. Powell, Jr.
John J. Powers
Robert H. Prickett
John T. Probasco
Eugene S. Pulk
Arthur M. Purdy
Melvin E. Radcliffe
Ralph L. Ramey
Marion F. Ramirez de Arellano
Wilson G. Reifenrath
James H. Reniers, Jr.
Cassius D. Rhymes, Jr.
Tolbert A. Rice
Lynn G. Richards
Milton E. Ricketts
Robert E. Riera
Edward D. Robertson
Leslie E. Rosenberg
Bruce P. Ross
Stanley E. Ruehlow
Samuel O. Rush, Jr.
Albert T. Sadler
William S. Sampson
Kenneth J. Sanger
Ben W. Sarver, Jr.
Kenneth G. Schacht
Gordon E. Schecter
Louis E. Schmidt, Jr.
Lewis L. Schock, Jr.
Frederick R. Schrader
Edward B. Schutt
Edward F. Scott
James Scott, 2d
Frank E. Sellers, Jr.
Walker A. Settle, Jr.
Jack M. Seymour
John N. Shaffer
Evan T. Shepard
Henry G. Shonerd, Jr.
Vincent A. Sisler, Jr.
Frank K. Slason
Frank McE. Smith
Lloyd A. Smith
Russell H. Smith
Omar N. Spain, Jr.
Samuel F. Spencer
Roy K. Stamps, Jr.
Everett H. Steinmetz
Richard D. Stephenson
John D. Stevens
Elbert M. Stever
Frederick M. Stiesberg
William A. Sullivan
William Swab, Jr.
Vincent A. Sweeney
Anthony Talerico, Jr.
Benjamin L. E. Talman
David W. Taylor, Jr.
LeRoy T. Taylor
John H. Theis
John W. Thomas
William C. Thompson, Jr.
James W. Thomson
Henry C. Tipton
Charles H. Turner
Kenneth L. Veth
Benjamin G. Wade
Francis D. Walker, Jr.
John F. Walling
William R. Wallis
French Wampler, Jr.
Norvell G. Ward
Robert E. McC. Ward
Sibley L. Ward, Jr.
William G. Ward
Albert R. Weldon
Joseph H. Wesson
Kenneth West
Frank K. B. Wheeler
George T. Whitaker, Jr.
Jerome B. White
William B. Wideman
J. C. Gillespie Wilson
Theodore H. Winters, Jr.
James M. Wolfe, Jr.
Burris D. Wood, Jr.
Malcolm T. Wordell
Don W. Wulzen

MARINE CORPS

To be second lieutenants, revocable for 2 years, from the 6th day of June 1935

Charles O. Bierman
Robert A. Black
John J. Cosgrove, Jr.
James W. Crowther
Robert E. Cushman, Jr.
Leonard K. Davis
Elmer T. Dorsey
Bernard E. Dunkle
Bruce T. Hemphill
Gordon E. Hendricks
Merlyn D. Holmes
Richard D. Hughes
Arnold F. Johnston
Kenneth D. Kerby
Carl A. Laster
William N. McGill
John M. Miller
Wallace M. Nelson
Edwin P. Pennebaker, Jr.
Frederick A. Ramsey, Jr.
Charles W. Shelburne
Robert T. Stivers, Jr.
Charles T. Tingle
Harvey S. Walseth
Richard G. Weede

POSTMASTERS

COLORADO

Joseph P. Gioga, Auguilar.
Nina M. Weiss, Del Norte.
Harold G. Hawkins, Grand Lake.
James W. McClain, Manzanola.

PENNSYLVANIA

William W. McGinnis, Cochranville.
Charles V. Finley, Flourtown.
Lester B. Rigling, New Cumberland.
Harold W. Hale, Russell.
Irvin F. Mayberry, Schwenkville.
Jacob W. Sutton, Smithfield.
Robert R. Lynn, Smithton.
George Ed Reed, Vanderbilt.
Frederick G. Staples, White Haven.

SOUTH CAROLINA

Lewis M. Jones, Alcolu.
Joseph H. Gasque, Marion.

SOUTH DAKOTA

Harold Hollingsworth, Artesian.
James A. Nesby, Dell Rapids.
Blanche Oldfield, New Underwood.
Bernard Mayer, Roscoe.
Cornelius J. Martin, Tripp.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 4, 1935

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

He that dwelleth in the secret place of the Most High shall abide under the shadow of the Almighty.

We pray in the name of our glorified Lord, under whose feet all things are to be put in subjection. Draw us close to Thee; remove from us all petty desires and take out of our hearts all guile, that we may indeed dwell in the shadow of Thy holy presence. Let the influence of Thy Holy Word cross the horizons of our souls, and suffer us not to be severed from the great circles of life and duty. Fill the spaces in the firmament of our spirits that they may radiate with that truth which reaches beyond race, color, or creed. Heavenly Father, may we so love Thee that we shall love our neighbor as ourselves. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Horne, its enrolling clerk, announced that the Senate insists upon its amendments to the bill H. R. 4665, entitled "An act authorizing the filling of vacancies in certain judgeships", disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ASHURST, Mr. KING, and Mr. BORAH to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1212. An act to amend section 1383 of the Revised Statutes of the United States.

The message also announced that the Senate insists upon its amendment to the bill H. R. 59, entitled "An act to create a national memorial military park at and in the vicinity of Kennesaw Mountain in the State of Georgia, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHEPPARD, Mr. FLETCHER, and Mr. CAREY to be the conferees on the part of the Senate.

ADDITIONAL CADETS AT THE UNITED STATES MILITARY ACADEMY

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Concurrent Resolution 16. It was on yesterday referred to the Committee on Military Affairs. The committee has instructed me to report orally in favor of the resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate Concurrent Resolution 16

Resolved by the Senate (the House of Representatives concurring), That the action of the Speaker of the House of Representatives and the Vice President of the United States, respectively, in signing the enrolled bill (S. 2105) to provide for an additional number of cadets at the United States Military Academy, and for other purposes, be, and the same is hereby, rescinded; and that the House of Representatives be, and it is hereby, requested to return to the Senate the message announcing its agreement to the amendments of the House to the said bill.

The SPEAKER. Is there objection?

Mr. SNELL. Reserving the right to object, to ask a question—this seems rather an unusual proceeding. I wish the gentleman would state the reason for doing this. I understand the bill has been signed by the Speaker and also the Vice President.

Mr. McSWAIN. Answering the question of the distinguished gentleman from New York, I can say only what I told the House yesterday when I moved that the resolution be referred to the Committee on Military Affairs, to wit, only what I have seen in the newspapers. Now, here comes the Senate resolution asking that a Senate bill be recalled and that the action of the two bodies be rescinded. The committee has authorized me to make a favorable report in an informal way. The committee acted on the theory that it is the comity and the courtesy that we owe to the coordinate body.

Mr. SNELL. Where is the bill now?

Mr. McSWAIN. I do not know whether it has been transmitted to the White House or not.

Mr. SNELL. It is rather an unusual proceeding, but I will not object.

Mr. TREADWAY. Reserving the right to object, I understand from what I have seen in the papers and the statement of the gentleman as chairman of the committee that there is no probability of our losing the appointment of the extra cadets to West Point.

Mr. McSWAIN. I hope not, but there is always a possibility.

Mr. TREADWAY. We have been notified of the fact that we are to appoint those cadets, and they have even asked us to hurry the appointments so they will be in their hands by June 12.

Mr. McSWAIN. I am impelled by a desire to expedite action on the bill.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. MICHENER. Just as a matter of suspicion at least, the bill as it now is, regardless of where it is, will be vetoed by the President, and it is the hope to get it back to eliminate some amendments that the House put into the bill. Is not that true?

Mr. McSWAIN. I do not know anything of the facts the gentleman has mentioned. I have no information whatsoever officially or otherwise.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

RECORDS OF AVIATION COMMISSION

Mr. MEAD. Mr. Speaker, I ask unanimous consent for the present consideration of S. J. Res. 92, making final disposition of the records, files, and other property of the Federal Aviation Commission.

The SPEAKER. Is there objection?

Mr. SNELL. Mr. Speaker, I reserve the right to object.

Mr. MEAD. Mr. Speaker, will the gentleman withhold his objection until I can offer an amendment?

Mr. SNELL. Certainly.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That inasmuch as the temporary Federal Aviation Commission authorized by the Seventy-third Congress (S. 3170, Public Doc. No. 308) "for the purpose of making an immediate study and survey, and to report to Congress not later than February 1, 1935, its recommendations of a broad policy covering all phases of aviation and the relation of the United States thereto. * * *", has completed its studies and made its report to Congress, that the said Federal Aviation Commission is hereby authorized and directed to close its records, files, and accounts at the earliest possible date and not later than June 1, 1935, and to deliver all such records, files, and other property to the Interstate Commerce Commission for the use and benefit of the Interstate Commerce Commission and/or other Government agencies that may be concerned with the Federal control or supervision of aviation and/or other transportation facilities.

Pending the time that final disposition is made of the records and files they shall be open to Members of Congress and personnel will be available to June 1, 1935, to furnish information relative to the records and findings of the Commission and to appear before interested congressional committees.

Mr. MEAD. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 2, lines 3 and 11, strike out "June 1" and insert in lieu thereof "June 15."

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. MEAD. Yes; I yield.

Mr. SNELL. As I understand the effect of the resolution, the gentleman is turning over to the Interstate Commerce Commission, which Commission in the future will control the rates, the records and information that his special committee obtained last year and this year.

Mr. MEAD. That is correct. A year ago, when the air mail bill passed the Congress, it contained an authorization for the appointment of a Federal Aviation Commission to investigate and report back to the Congress on an aviation policy. That Commission was created, concluded its investigation, made its report to Congress, and now we are asking that the records and files of the Commission be transferred to the Interstate Commerce Commission. In the air mail bill which passed the House this year we authorized the Interstate Commerce Commission to investigate and determine the rate of pay which will be paid to the air mail contractors for carrying the air mail, and it is our desire now to furnish the Interstate Commerce Commission with all of the valuable information contained in the files of the Federal Aviation Commission. The files are all prepared and boxed, ready for transfer. The personnel of the Aviation Commission has been dismissed, and the Commissioner in Charge of Air Mail on the Interstate Commerce Commission stated that he will effect the transfer without additional cost. Therefore, all the resolution does is to authorize the transfer of the information and files of the Federal Aviation Commission to the Interstate Commerce Commission.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MEAD. Yes. I yield.

Mr. RICH. Does that include all the records of the cancelation of the air mail contracts by Mr. Farley and the President?

Mr. MEAD. No; I assume it includes only such information as the Federal Aviation Commission collected in its investigation, and that investigation took place last year.

Mr. RICH. Does the gentleman think that only until July 15 these records should be preserved?

Mr. MEAD. The date of the transfer is set at June 15, that is, on or before June 15, and that pertains only to the transfer of the records from the Aviation Commission to the Interstate Commerce Commission, where they will be retained permanently.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. MEAD. Yes. I yield.

Mr. McFARLANE. Does the resolution do anything other than authorize the transfer of the files of the report and the material included in that report, to the Interstate Commerce Commission?

Mr. MEAD. That is all.

Mr. McFARLANE. It does not approve the report but just authorizes the material to be filed?

Mr. MEAD. It is the desire of the committee to transfer to the Interstate Commerce Commission this valuable information for their files.

Mr. McFARLANE. But you do not approve it?

Mr. MEAD. We did not approve their report in full. We have approved some of it by the passage of the air mail bill.

Mr. McFARLANE. Yes; but most of it we do not approve, and the President did not approve.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The joint resolution as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I hold in my hand a very instructive and patriotic editorial by William Randolph Hearst, entitled "Which? American Democracy or Personal Dictatorship?", published in his newspapers last Sunday, June 2, which should be read by all American citizens regardless of party affiliations.

Mr. Hearst, from long experience in editing newspapers, has developed a remarkable ability to produce a clear-cut, forceful, and easily understandable analysis of complicated and controversial subjects.

I hope no Member of the House will object to the insertion in the RECORD of the sound doctrine contained in this editorial which is in itself a lesson in American government and a powerful defense of the rights and liberties of the American people under the Constitution. It ought to be read to the younger generation in every public and private school in the country and likewise with profit in the colleges and universities and by all those who believe in American constitutional government as opposed to bureaucracy, regimentation, collectivism, and State socialism.

Mr. O'CONNOR. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. O'CONNOR. The gentleman from New York is reading something which is not his own handiwork. I make the point of order that the gentleman is not entitled, under the rules, to read it.

The SPEAKER. The point of order is well taken.

Mr. FISH. Mr. Speaker, I have to differ with the statement made by my colleague. This is my own handiwork, word for word, and sentence by sentence.

Mr. O'CONNOR. I understood the gentleman stated it was an editorial from some newspaper.

Mr. FISH. Oh, no. I intend to ask unanimous consent to put the editorial in the RECORD.

The SPEAKER. The gentleman from New York will proceed in order.

Mr. FISH. It is a complete and devastating arraignment of unconstitutional methods and the rise of state socialism in the United States without the consent of the people by one of the outstanding champions of the Democratic Party in the last election. I pause to call particular attention to this fact for the benefit of my colleague from New York, Mr. O'CONNOR.

The editorial concludes with a fervent American plea for the restoration of representative and constitutional government and a government by law instead of by Executive order, or by autocratic or dictatorial methods similar to fascism, nazi-ism, or communism.

I repeat, it should be read by all Americans. I ask unanimous consent to extend my remarks to include the editorial by Mr. Hearst.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. FISH]?

Mr. SCOTT and Mr. DOBBINS objected.

Mr. FISH. Mr. Speaker, did some gentleman object?

The SPEAKER. Yes. Two objections were heard.

Mr. FISH. I am a little hard of hearing, Mr. Speaker. I hope the RECORD will show which gentlemen objected to this reasonable request.

Mr. O'CONNOR. Well, then, I object, if the gentleman did not hear. [Laughter.]

BILL TO CREATE A FEDERAL COMMERCE CONTROL COMMISSION

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker, the bill levies an excise tax of $1 a year on every enterprise engaged in interstate commerce, and as a condition of such tax requires the registration and licensing of every such enterprise to employ the mails or other form of interstate communication or transportation. It declares interstate commerce to be in the nature of a public utility and makes a congressional declaration of findings of fact defining the limits of interstate commerce which justify the constitutional bases of the bill.

The bill defines the limits of delegation of powers, eliminates the impractical present code structure which resulted from too great dependence on trade associations, but will still permit such associations to act in advisory capacity.

The bill sets up a Federal Commerce Control Commission with powers immediately to take over and salvage the technical functions and best features of N. R. A., A. A. A., P. A. B., and F. A. C. A. The Commission would make all studies for presentation to Congress of supplementary industry and trade boards with licensing provisions for members of such industries and trades to do business over State lines and with foreign nations. Members of the industry and trade boards selected from management and labor would be sworn in as Federal officials during tenure of office. The bill provides four categories of industry and trade, namely, production, fabrication, public service, and distribution, and restricts tying across these functional lines in order to protect the purpose and intent of the antitrust laws and prevent the cartel type of organizations from exercising monopoly.

Present data show all industry and trade divided into major generic divisions, but pending submission to Congress of separate industry and trade regulations by the Commission the basic licensing provisions would govern all industrial and trade workers as to minimum wages, maximum hours, and other conditions of employment and also control unfair trade practices. Bill recognizes unfair trade practices as a result of lack of coordinated control of interstate commerce rather than as an uncontrollable cause. Bill also proposes a Federal Industrial Career College to overcome faulty administrative experiences of the last 2 years. The bill has a background of months of study in its preparation.

AMERICAN RETAIL FEDERATION

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. GREENWOOD. Mr. Speaker, on May 24 the House passed House Resolution 203, and the Speaker, under that resolution, appointed seven Members of the House to conduct an investigation of the American Retail Federation. This committee is organized and has begun its investigation. We found that just after the passage of the resolution the American Retail Federation incorporated, and when this committee attempted to get data along the line of the resolution, they refused this information to the committee. This committee came before the Rules Committee and asked for a resolution to amend the former resolution, to give them authority to investigate the activities of this federation, as was contemplated by the original resolution, but which, by legal technicality, it seems the federation is avoiding.

So I am presenting this resolution from the Rules Committee, and I move, Mr. Speaker, that it may be in order to immediately consider the same.

The Clerk read the resolution, as follows:

House Resolution 239

Resolved, That House Resolution 203 (74th Cong., 1st sess.) is amended as follows: On page 5, line 10, before the semicolon, insert a comma and the following: "and to investigate the trade

practices of individuals, partnerships, and corporations engaged in big-scale buying and selling of articles at wholesale or retail."

The question was taken; and two-thirds having voted in favor thereof, the motion was agreed to.

Mr. MARTIN of Massachusetts. Will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. MARTIN of Massachusetts. When this committee was first appointed, as I understood it, the purpose was to inquire into this organization as to how it was influencing the Members of Congress. Will the gentleman be good enough to explain just how much further we are widening the scope of the investigation, and whether or not we are encroaching upon the duties of the Federal Trade Commission, which would ordinarily handle such matters?

Mr. GREENWOOD. I will say to the gentleman from Massachusetts that as I understand it they are not going to enlarge the powers of the committee but are asking for this amendment in order to carry out the authority given by the former resolution. They are going to use data in the possession of the Federal Trade Commission. It is not the idea that the investigation shall be on any wider scale except so far as this information will disclose what efforts at lobbying have been carried on by this association.

Mr. MARTIN of Massachusetts. Under the resolution as presented it reads:

Corporations engaged in big-scale buying or selling.

Certainly that goes far beyond the question of influencing Members of Congress on legislation.

Mr. GREENWOOD. But this amendment would have to be read in the light of the former resolution, because it is an amendment of that resolution.

Mr. MARTIN of Massachusetts. I wonder if it would be possible to have the chairman of the committee make a statement.

Mr. GREENWOOD. I expect to yield to the chairman of the committee and will yield to the gentleman from Massachusetts or any of his associates on the committee such time as they may desire.

Mr. MARTIN of Massachusetts. I wish the gentleman would yield me 30 minutes; I may use it or I may not.

Mr. GREENWOOD. Yes; I shall be pleased to do that.

Mr. Speaker, I yield such time as he may desire to the gentleman from Texas [Mr. PATMAN], chairman of the investigating committee.

Mr. PATMAN. Mr. Speaker, does the gentleman from Massachusetts wish to ask me a question?

Mr. MARTIN of Massachusetts. Yes; I would like the gentleman to explain just what is intended to be done with this additional power.

Mr. PATMAN. The question involved is whether or not the large concerns in this country, especially the large chain-store concerns, have organized and are now operating together, pooling their funds, and coordinating their efforts for the purpose of squeezing out the smaller individuals and independents, or by placing them at a disadvantage.

When we started our investigation a few days ago we discovered that this super lobby, the American Retail Federation, had changed their name. This organization no longer exists; it has changed. It is now claimed we must show that a concern is a member of the American Retail Federation before we can obtain jurisdiction. Or, in order to get jurisdiction, it is claimed we must show that a concern is now contributing to it.

So, in order to make effective and carry out the intent of the original resolution, we asked the Rules Committee to give us this power. It makes the authority of the committee absolutely plain so that without question we may do what this House intended when it passed the original resolution and what is made plain in the amendment now under consideration.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. CRAWFORD. Is it not true that when you study the names which have appeared in this organization up to date that it is conclusive evidence of a combination in that very group which has been set up for the purpose of controlling this Congress as best it may with reference to legislation having to do with the distribution of food commodities, engineered and financed by the big chain organizations of the United States?

Mr. PATMAN. I may say to the gentleman from Michigan that I do not have any preconceived notion. There will be, however, a fair and impartial investigation made, and if the facts bear out what the gentleman states, this committee will certainly do what it should do.

Mr. CRAWFORD. If the gentleman knew the man in the food-distributing business he would not need preconceived notions to know exactly what the undertaking is.

Mr. PATMAN. I am not so familiar with the question as is the gentleman from Michigan.

I do not care to use further time. The amendment speaks for itself and indicates without question the power that is given the committee.

Mr. GREENWOOD. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment to House Resolution 239: At the end of the resolution in line 6, after the word "retail", insert the words "and their associations."

The committee amendment was agreed to.

Mr. GREENWOOD. Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was adopted.

A motion to reconsider was laid on the table.

EXCISE TAXES

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a memorial adopted by the General Assembly of Illinois yesterday on a bill introduced by me and pending before this House.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. THOMPSON. Mr. Speaker, under leave to extend my remarks, I include herewith a true copy of House Joint Resolution No. 51, adopted by the General Assembly of Illinois, relative to my bill, H. R. 6961, which proposes to amend the Revenue Act of 1932 by providing an excise tax of 2½ cents per pound on all importations of tapioca, sago, and cassava.

House Joint Resolution 51

Whereas in the Seventy-fourth Congress there is for consideration a bill designated as House Bill No. 6961, an amendment to the Revenue Act of 1932, proposing an excise tax on tapioca, sago, and cassava; and

Whereas its purpose is to extend the policy of protection to our farmers and industries; and

Whereas under such amendment it is proposed to amend section no. 602 of the Revenue Act of 1932, imposing a tax upon the first domestic processing or use of tapioca, tapioca crude, tapioca flour, sago, sago crude, sago flour, or cassava; and

Whereas it is deemed to the best interest of the public at large and particularly to the raisers of agricultural products in the Central West, as well as to the manufacturers and processors of home-grown products, that such a bill be passed and made effective at the earliest posible moment; therefore, be it

Resolved by the House of Representatives of the Fifty-ninth General Assembly of the State of Illinois (the senate concurring herein), That we urge the Congress of the United States to provide protection against tapioca, sago, and cassava as substitutes for corn and corn products by affirmative action in connection with the above-pending legislation; and be it further

Resolved, That copies of this resolution be forwarded immediately to the President of the United States, to the Honorable ROBERT L. DOUGHTON, Chairman of the Ways and Means Committee of the House, to the Honorable PAT HARRISON, Chairman of the Finance Committee of the Senate, and to Senators JAMES HAMILTON LEWIS and WILLIAM H. DIETERICH and the Illinois delegation in the House of Representatives.

Adopted by the house, May 27, 1935.

JOHN P. DEVINE,
Speaker of the House of Representatives.
HAROLD J. TAYLOR,
Clerk of the House of Representatives.

Concurred in by the senate, May 28, 1935.

THOMAS F. DONOVAN,
President of the Senate.
A. E. EDEN,
Secretary of the Senate.

The SPEAKER. This is Private Calendar day.

Mr. RANKIN. Mr. Speaker, before we take up consideration of the Private Calendar I desire to submit a unanimous-consent request.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. On the 24th day of last month I made an address in the House in which I asked unanimous consent to revise and extend my remarks. That consent was granted. In the extension of those remarks I have compiled some tables. They are not very long, but they will save a good deal of space in the RECORD if I am permitted to insert them as part of my remarks, and I ask unanimous consent to include these tables in my remarks.

Mr. SNELL. Mr. Speaker, reserving the right to object, will the gentleman tell us what the tables are?

Mr. RANKIN. With pleasure. During the course of my address I brought out the fact that the American people were overcharged $1,000,000,000 a year for electric light and power. I have secured the rates in every State of the Union, the amount used, and I have shown how those figures were arrived at, and in these tables I have broken the figures down by States. For instance, the people of the State of New York are overcharged about $130,000,000 a year, and the smaller States in proportion. The people of the State of Maine, for instance, pay an overcharge of about $5,000,000 a year. If I have to follow the procedure of following each of those items through, I can do it, of course, but it will take a great deal more space in the RECORD, as well as more time.

Mr. SNELL. Is the gentleman sure he has his estimate high enough and that the people are only being charged a billion dollars a year more than is necessary?

Mr. RANKIN. That is true under the present consumption, but I may say to the gentleman from New York that these rates are so high that consumption is reduced. For instance, in the State of New York, as I pointed out the other day, the average domestic consumption is only about 40 kilowatt-hours per month, because the rates are so high. In the T. V. A. area the per capita consumption is 104 kilowatt-hours per month. In Winnipeg, Canada, it is 375 kilowatt-hours per month. So if we can get those rates down, we will increase the consumption in New York probably and save the people of that State not only $130,000,000 but more nearly $230,000,000 a year. As I said, those figures will go up as the rates are reduced.

Mr. SNELL. That is very interesting.

Mr. RICH. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. RICH. I would like to say to the gentleman from Mississippi [Mr. RANKIN] when he quotes T. V. A. rates, if the Government would add in to the cost of developing that power all the money that has been expended on the T. V. A., all the overhead that the Government is put to and all the things that are required of good, legitimate business, he would find that the rates that are charged by the T. V. A. are less than the cost of production and instead of the people in his district, who are being served by the T. V. A., paying to the Government what they should pay, the taxpayers of Pennsylvania, New York, and other States are paying the bill for furnishing power to the people who live in the T. V. A. area. He will also discover that the T. V. A. is an unconstitutional act. An act putting the Government in business in competition with private enterprise.

Mr. RANKIN. May I say to the gentleman from Pennsylvania that his statement just now shows how little he knows about the power question.

Mr. RICH. I would like to make the statement right here that the gentleman from Mississippi [Mr. RANKIN] does not know how to figure costs and does not add all of those items into his cost of production. And I say that he does not know how to figure costs.

Mr. RANKIN. May I say to the gentleman from Pennsylvania [Mr. RICH] that these figures will show also that the people of Pennsylvania are being overcharged more than $75,000,000 a year.

With reference to the T. V. A. let me call the attention of the gentleman from Pennsylvania [Mr. RICH] to the fact that the T. V. A. rates are higher than the rates charged in Tacoma, Wash. At Tacoma where they have a plant worth between $20,000,000 and $30,000,000 they not only have cheaper rates, but they have a smaller area to supply; yet their rates are being gradually reduced and they are paying for their plant out of the money raised through the sale of electricity.

In Winnipeg, Canada, they have the same system and at that place where the rates are a great deal lower than in the T. V. A. area, the domestic consumers in Winnipeg use 375 kilowatt-hours per month, whereas the people in Pennsylvania use only about 40 kilowatt-hours per month.

Mr. RICH. May I say to the gentleman if the Government furnishes this electricity at less than cost, then, of course, the people will use more, but when they do that we have to raise by taxation the amount that we would otherwise get out of the power company, and that is not sound Government business.

The regular order was demanded.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. RICH. Mr. Speaker, I object.

Mr. RANKIN. Does the gentleman know what he is objecting to? He was not in the Chamber when the request was made.

Mr. RICH. I was in the Chamber.

Mr. RANKIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, I have the right under the permission granted last week to extend my remarks in the RECORD. Am I permitted to insert these tables which I have compiled in the RECORD under that permission to extend my remarks?

The SPEAKER. The Chair does not think so unless that was included in the request that was made and granted last week.

THE PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

GERMANIA CATERING CO., INC.

The Clerk called the first bill on the Private Calendar, S. 41, for the relief of the Germania Catering Co., Inc.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Germania Catering Co., Inc., the sum of $5,000. Such sum represents the amount of fine paid by the Germania Catering Co., Inc., pursuant to a conviction for violating certain provisions of the Lever Act of August 10, 1917, as amended, prior to the declaration by the Supreme Court of the United States of the unconstitutionality of such provisions.

With the following committee amendments:

On page 1, line 6, after the figures "$5,000" insert the words "in full settlement of all claims against the Government of the United States"; and

On page 2, insert at the end of the bill the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY AGNES RODEN

The Clerk called the next bill, S. 285, to reimburse the estate of Mary Agnes Roden.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Sophie T. Walsh, administratrix of the estate of her deceased sister, Mary Agnes Roden, in full settlement of all claims against the Government of the United States for injuries received by said Mary Agnes Roden on December 11, 1926, when a United States mail truck collided with her at Lexington Avenue and Thirty-fourth Street, New York City: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DISBURSING OFFICERS OF THE ARMY

The Clerk called the next bill, S. 557, for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their respective names: F. J. Baker, major, Finance Department, $21.35; Roy W. Camblin, first lieutenant, Air Corps, $19.41; E. Dworack, major, Finance Department (now retired), $15; C. A. Frank, first lieutenant, Infantry, Finance Department, $16.41; P. G. Hoyt, major, Finance Department (now deceased), $94.54; William T. Johnson, first lieutenant, Finance Department, $12.35; J. H. Osterman, captain, Quartermaster Corps, $17.60; A. J. Tagliabue, first lieutenant, Finance Department, $35.07; and George N. Watson, major, Finance Department (now retired), $29.25; said amounts being public funds for which they are accountable and which represent amounts due to minor errors in computation of pay and allowances due military personnel, who are no longer in the service of the United States, and which amounts have been disallowed by the Comptroller General of the United States.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of F. J. Baker, major, Finance Department, $149.31, of which amount $105.57 represents payments made to three former officers of the National Guard; $37.80 representing payments made to two former Reserve Officers' Training Corps students of the University of Florida and for which efforts to collect from the individual payees for the overpayments have been unsuccessful; and $5.94 paid to an officer of the Army for Pullman accommodations used by him on a change of station under proper orders, but for which the cash receipt necessary to support the voucher covering payment was lost, all of which amounts were disallowed by the Comptroller General of the United States in the accounts of Major Baker.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Roy W. Camblin, first lieutenant, Air Corps (formerly disbursing officer, Ellington Field, Tex.), the amount of $27.46, said amount being public funds for which he is accountable and which represents amounts due to errors in computing ration savings due organizations of the Army which have since been disbanded.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to Roy W. Camblin, first lieutenant, Air Corps, $107.36, representing an amount erroneously stopped against his pay by the Secretary of War for disallowances appearing in his accounts as disbursing officer at Ellington Field, Tex., in 1921 and 1922, and which disallowances had been cleared by the Comptroller General of the United States under authority of law prior to the collection of the stoppage.

SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of F. A. Englehart, major, Ordnance Department, $44.87, public funds for which he is accountable and which represent the proceeds due the United States from cashier's check for $70 drawn on March 30, 1925, on the First National Bank, Conyers, Ga., which bank failed between date of receiving check by the Government, April 2, 1925, and date of its presentation for payment, April 17, 1925, $44.87 being the balance outstanding after the affairs of the above-mentioned bank had been liquidated.

SEC. 6. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of John B. Harper, major, Finance Department, the sum of $80.64, public funds for which he is accountable and which were paid by him to Joseph F. Battley, first lieutenant, Chemical Warfare Service, for mileage performed under War Department orders and which amount was disallowed by the Comptroller General of the United States: *Provided*, That the amount so paid shall not be charged against any moneys otherwise due payee.

SEC. 7. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of C. Newton, Jr., major, Finance Department, the sum of $100, said amount being public funds for which he is accountable and which represents a payment made to William A. Weaver for services in testifying as an expert witness at a general court martial of an officer, which amount has been disallowed by the Comptroller General of the United States.

SEC. 8. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of K. W. Slauson, captain, Quartermaster Corps, the sum of $22.26, public funds for which he is accountable and which were paid to George L. Dewey, first lieutenant, Infantry, for traveling expenses and disallowed by the Comptroller General of the United States.

SEC. 9. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George L. Dewey, first lieutenant, United States Army, the sum of $160.49, being the amount properly due him for traveling expenses, voucher for which was approved for payment by the General Accounting Office but used as an offset against the disallowances in the accounts of Capt. K. W. Slauson, Quartermaster Corps, for a previous payment made Lieutenant Dewey for travel allowance while on duty as a language student in France: *Provided*, That no charge shall be raised in the accounts of K W. Slauson, captain, Quartermaster Corps, and E. J. Heller, captain, Quartermaster Corps, on account of this payment.

SEC. 10. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of George N. Watson, major, Finance Department, the sum of 53 cents, public funds for which he is accountable and which were paid to the Western Union Telegraph Co. for transmission of an official message and which amount was disallowed by the Comptroller General of the United States on the grounds that such message could have been sent by naval radio service at reduced cost.

SEC. 11. Any amounts which otherwise may have been due any of the disbursing officers mentioned herein, or, in the case of deceased officers, may have been due their heirs, for any other purpose, and which amounts or any part thereof have been used as a set-off by the Comptroller General to clear disallowances in said officers' accounts mentioned herein, shall be refunded to such disbursing officer or their heirs: *Provided*, That any amounts refunded by any of said disbursing officers, or their heirs, to the United States on account of said disallowances, shall also be refunded to such disbursing officers or their heirs: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALES ISLAND PACKING CO.

The Clerk called the next bill, S. 753, to carry out the findings of the Court of Claims in the case of the Wales Island Packing Co.

Mr. HOPE and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

INTERNATIONAL MERCANTILE MARINE CO.

The Clerk called the next bill, S. 788, for the relief of the International Mercantile Marine Co.

Mr. TRUAX and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

COMPAGNIE GENERALE TRANSATLANTIQUE

The Clerk called the next bill, S. 790, for the relief of the Compagnie Generale Transatlantique.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

EDITH N. LINDQUIST

The Clerk called the next bill, S. 905, for the relief of Edith N. Lindquist.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury

not otherwise appropriated, to Edith N. Lindquist, chief nurse, United States Navy, the sum of $600 in full satisfaction of her claim against the United States for reimbursement for the loss of certain clothing and other personal effects during the earthquake and fire at Yokohama, Japan, on September 1, 1923: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

C. J. MAST

The Clerk called the next bill, S. 921, for the relief of C. J. Mast.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

DR. R. N. HARWOOD

The Clerk called the next bill, S. 1027, for the relief of Dr. R. N. Harwood.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Dr. R. N. Harwood for compensation for disabilities to his hands received while acting as designated dental examiner on fee basis at Morristown, Tenn., for the Veterans' Administration, in the same manner and to the same extent as if said R. N. Harwood had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. GEORGE W. RITCHEY

The Clerk called the next bill, S. 1036, authorizing adjustment of the claim of Dr. George W. Ritchey.

Mr. TRUAX and Mr. McFARLANE objected, and, under the rule, the bill was recommitted to the Committee on Claims.

ELDA GEER

The Clerk called the next bill, S. 1038, authorizing adjustment of the claim of Elda Geer.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Elda Geer for refund of duplicate collection made from her for the transportation, on the U. S. Army transport *Republic*, which sailed from Balboa, Canal Zone, September 3, 1933, for San Francisco, Calif., of one automobile, Ford sedan, motor no. A-4356902, and allow said claim in the sum of not to exceed $26. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $26, or so much thereof as may be necessary, for the payment of said claim.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES R. YOUNG

The Clerk called the next bill on the Private Calendar, S. 1062, for the relief of James R. Young.

The SPEAKER. Is there objection?

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on Claims.

ISIDOR GREENSPAN

The Clerk called the next bill on the Private Calendar, S. 1121, for the relief of Isidor Greenspan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Isidor Greenspan the sum of $1,500. Such sum represents the amount of a fine paid by Isidor Greenspan pursuant to a conviction for violating certain provisions of the Lever Act of August 10, 1917, as amended, prior to the declaration by the Supreme Court of the United States of the unconstitutionality of such provisions:

With the following committee amendments:

Page 1, line 6, after the figures "$1,500" insert "in full settlement of all claims against the Government of the United States."

Page 2, line 1, after the word "provisions", insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL H. CRESWELL

The Clerk called the next bill on the Private Calendar, S. 1474, for the relief of Paul H. Creswell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50 to Paul H. Creswell, of Cincinnati, Ohio, representing payment to the following persons as special bailiffs: Henry Melcher, special bailiff in charge of sequestered jury March 14, 15, 21, and 22, 1931, $20; John H. Potts, same, March 14 and 21, 1931, $10; Robert Poppe, same, March 14, 15, 21, and 22, 1931, $20; which amounts were disallowed by the Comptroller General in the settlement of the accounts of said Paul H. Creswell, as United States marshal for the southern district of Ohio, and paid into the Treasury by said Paul H. Creswell under date of April 1, 1933.

With the following committee amendment:

Page 1, line 6, strike out the words "representing payment" and insert "in full settlement of all claims against the Government of the United States for payments"; and on page 2, line 6, after the figures "1933", insert "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MICK C. COOPER

The Clerk called the next bill on the Private Calendar, S. 1487, for the relief of Mick C. Cooper.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mick C. Cooper, of Orient, Washington, out of any money in the Treasury not otherwise appropriated, the sum of $80.11, in full satisfaction of all claims against the Government for meat furnished the Forest Service in June 1926: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES A. LEWIS

The Clerk called the next bill on the Private Calendar, S. 742, for the relief of Charles A. Lewis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized to consider and determine the claim of Charles A. Lewis in the same manner and to the same extent as if said Charles A. Lewis had made application for the benefits of said act within the 1-year period required by sections 17 and 20 thereof: *Provided*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HERMAN W. BENSEL

The Clerk called the bill (H. R. 3109) for the relief of Herman W. Bensel.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Herman W. Bensel, who served as a sergeant in Company H, One Hundred and Fifty-seventh Regiment ——— Volunteer Infantry, National Guard, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on or about the 25th day of April 1918.

With the following committee amendment:

Line 10, after the figures "1918", insert "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

WILLIAM J. COCKE

The Clerk called the bill (S. 941) for the relief of William J. Cocke.

Mr. HANCOCK of New York, Mr. TRUAX, and Mr. COSTELLO objected, and the bill was recommitted to the Committee on War Claims.

STEPHEN SOWINSKI

The Clerk called the bill (H. R. 6788) for the relief of Stephen Sowinski.

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on Military Affairs.

HOMER J. WILLIAMSON

The Clerk called the bill (H. R. 616) for the relief of Homer J. Williamson.

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on Claims.

EUSTACE PARKS

The Clerk called the bill (H. R. 2978) for the relief of Eustace Parks.

Mr. TRUAX and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Claims.

BANKERS RESERVE LIFE CO. OF OMAHA

The Clerk called the bill (H. R. 3155) to authorize the Secretary of the Treasury of the United States to refund to the Bankers Reserve Life Co. of Omaha, Nebr., and the Wisconsin National Life Insurance Co., of Oshkosh, Wis., income taxes illegally paid to the United States Treasury.

Mr. HOPE and Mr. McFARLANE objected, and the bill was recommitted to the Committee on Claims.

EMANUEL BRATSES

The Clerk called the bill (H. R. 3866) for the relief of Emanuel Bratses.

Mr. TRUAX and Mr. McFARLANE objected, and the bill was recommitted to the Committee on Claims.

ART METAL CONSTRUCTION CO.

The Clerk called the bill (H. R. 3934) for the relief of Art Metal Construction Co. with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period.

Mr. TRUAX and Mr. McFARLANE objected, and the bill was recommitted to the Committee on Claims.

JESSIE T. LAFFERTY

The Clerk called the bill (H. R. 4060) for the relief of Jessie T. Lafferty.

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on Claims.

GARFIELD ARTHUR ROSS

The Clerk called the bill (H. R. 4079) for the relief of Garfield Arthur Ross.

Mr. TRUAX and Mr. McFARLANE objected, and the bill was recommitted to the Committee on Claims.

CHARLES H. HOLTZMAN, GEORGE D. HUBBARD, AND WILLIAM L. THIBADEAU

The Clerk called the bill (H. R. 4853) for the relief of Charles H. Holtzman, former collector of customs, Baltimore, Md.; George D. Hubbard, former collector of customs, Seattle, Wash.; and William L. Thibadeau, former customs agent.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Charles H. Holtzman, former collector of customs, Baltimore, Md., the sum of $704.80; in the accounts of George D. Hubbard, former collector of customs, Seattle, Wash., the sum of $45.25; and in the accounts of William L. Thibadeau, former customs agent, the sum of $159.48, such sums representing the amount of payments, heretofore disallowed by the Comptroller General, covering expenses incident to the transfer of Mr. Thibadeau from his official station at Baltimore, Md., to Seattle, Wash.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

A. RANDOLPH HOLLADAY

The Clerk called the next bill, S. 1110, for the relief of A. Randolph Holladay.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TRUAX and Mr. McFARLANE objected, and the bill, under the rule, was recommitted to the Committee on Claims.

DUKE E. STUBBS AND ELIZABETH S. STUBBS

The Clerk called the next bill, S. 1386, to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim, or claims, of Duke E. Stubbs and Elizabeth S. Stubbs, both of McKinley Park, Alaska.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim, or claims, of Duke E. Stubbs and Elizabeth S. Stubbs, or either of them, both of McKinley Park, Alaska, for any losses and damages sustained by Duke E. Stubbs and Elizabeth S. Stubbs in the silver-fox farming and trading-post business, or other business and occupation, conducted by them, or either of them, at McKinley Park, Alaska, arising out of the extension of the limits of the Mount McKinley National Park by an act of Congress approved on the 19th day of March 1932 (47 Stat. 68), and/or by virtue of any acts, or actions, of any and all officers and employees of the United States in carrying out or in connection with the extension of the limits of Mount McKinley National Park after the 19th day of March 1932: *Provided*, That the action in the Court of Claims to establish such losses and damages may be instituted within 1 year from the date of the approval of this act, and the same right of appeal to the United States Supreme Court from the judgment of the Court of Claims shall be had as in other causes in that court.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BENJAMIN F. JONES

The Clerk called the next bill, H. R. 1563, for the relief of Benjamin F. Jones.

The SPEAKER. Is there objection?

Mr. HANCOCK of New York and Mr. HOPE objected, and the bill, under the rule, was recommitted to the Committee on Military Affairs.

SESSION OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to sit during the session of the House this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will call the next bill on the Private Calendar.

JAMES J. JORDAN

The Clerk called the next bill, S. 347, for the relief of James J. Jordan.

The SPEAKER. Is there objection?

Mr. HOPE, Mr. COSTELLO, and Mr. HANCOCK of New York objected, and the bill, under the rule, was recommitted to the Committee on Military Affairs.

MAJ. JOSEPH H. HICKEY

The Clerk called the next bill, H. R. 6661, for the relief of Maj. Joseph H. Hickey.

The SPEAKER. Is there objection?

Mr. McFARLANE and Mr. TRUAX objected, and the bill, under the rule, was recommitted to the Committee on Claims.

INDIANS OF FLATHEAD RESERVATION

The Clerk called the next bill, H. R. 6433, for the relief of certain Indians of the Flathead Reservation killed or injured en route to dedication ceremonies of the Going-to-the-Sun Highway, Glacier National Park.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, a similar Senate bill, S. 2146, will be substituted for the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sums of $2,890 in full settlement of all claims of the following Indians of the Flathead Indian Reservation, Mont., against the United States, arising out of any and all injuries sustained while en route to the dedication ceremonies of the Going-to-the-Sun Highway in Glacier National Park in the amounts indicated: Sophie Conko, $600; Mary Calowahcan Smallsalmon, $190; Alexander Calowahcan, $250; Michael Smallsalmon, $250; Joseph Woodcock, $30; Martine Siwahsah, $20; Sophie C. Granjo, $20; Sophie Moiese, $600; Isabel Granjo, $30; Eneas Granjo, $50; Mary Kyser Stateah, $600; Eneas Michel Conko, $50; Pierre Pierre, $50; William Michel, $50; Andrew Manybear, $100: *Provided*, That if any of the beneficiaries under this act are deceased, payment herein authorized shall be made to their heirs; and to pay the sum of $3,000 to the heirs of Louise Cullooyah, deceased, and the sum of $3,000 to the heirs of Michel Kizer, deceased, also of the Flathead Indian Reservation, who were killed while en route to the said dedication ceremonies of the Going-to-the-Sun Highway in Glacier National Park in full settlement of all claims against the United States arising out of the death of the said Indians on the said occasion.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H. R. 6433) was laid on the table.

CHARLES C. SCHILLING

The Clerk called the next bill, H. R. 1031, for the relief of Charles C. Schilling.

The SPEAKER. Is there objection?

Mr. HANCOCK of New York, Mr. HOPE, and Mr. McFARLANE objected, and the bill, under the rule, was recommitted to the Committee on Claims.

JOHN N. BROOKS

The Clerk called the next bill, H. R. 284, for the relief of John N. Brooks.

The SPEAKER. Is there objection?

Mr. COSTELLO and Mr. TRUAX objected, and the bill, under the rule, was recommitted to the Committee on Claims.

FLORENZ GUTIERREZ

The Clerk called the next bill, H. R. 350, for the relief of Florenz Gutierrez.

The SPEAKER. Is there objection?

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $500 to Florenz Gutierrez, as compensation for injuries sustained when struck by a United States prohibition vehicle on December 11, 1929.

With the following committee amendment:

Page 1, line 8, after the figures, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CORA A. BENNETT

The Clerk called the next bill, H. R. 812, for the relief of Cora A. Bennett.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

IRVIN PENDLETON

The Clerk called the next bill, H. R. 949, for the relief of Irvin Pendleton.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., title 5, secs. 767 and 770), are hereby waived in favor of Irvin Pendleton, of Campbellsburg, Ky., who sustained an injury while employed in the Government air-nitrate plant at Muscle Shoals, Ala., in 1918, which resulted in permanent physical disability, and his case is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files a notice of such injury and claim for compensation with the United States Employees' Compensation Commission not later than 60 days from the date of the enactment of this act.

The term "injury", as used in this act, shall have the meaning assigned to such term in section 40 of such act of September 7, 1916, as amended (U. S. C., title 5, sec. 790).

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the United States Employees' Compensation Commission be, and it is hereby, authorized to consider and determine the claim of Irvin Pendleton for disability resulting from injuries alleged to have been sustained in the course of his employment in the Government air-nitrate plant at Muscle Shoals, Ala., in 1918, under the provisions of the act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes', approved September 7, 1916, as amended, except that sections 17 and 20 of the said act are hereby waived: *Provided*, That he shall file notice of such injury and claim for compensation therefor not later than 60 days from the date of the enactment of this act: *And provided further*, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRACE M'CLURE

The Clerk called the next bill, H. R. 1292, for the relief of Grace McClure.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $4,000, to Grace McClure, widow of Percy McClure, who died of injuries received as a result of a collision with a United States Civilian Conservation Corps truck.

With the following committee amendment:

Page 1, line 9, after the word "truck" insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HOMER J. WILLIAMSON

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to return to Calendar No. 233, the bill (H. R. 616) for the relief of Homer J. Williamson.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. Is there objection to the consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Homer J. Williamson the sum of $1,045.81 as a refund on income tax paid by Homer J. Williamson by reason of an error made by a deputy collector at Indianapolis, Ind.

With the following committee amendments:

Page 1, line 6, strike out the word "as" and insert in lieu thereof the following: "in full settlement of all claims against the United States for."

Page 1, line 9, after the word "Indiana", insert the following: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. G. BRISENO

The Clerk called the next bill, H. R. 1365, for the relief of E. G. Briseno.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

PRINTZ-BIEDERMAN CO.

The Clerk called the next bill, H. R. 1485, to pay to the Printz-Biederman Co., of Cleveland, Ohio, the sum of $741.40, money paid as duty on merchandise imported under section 308 of the Tariff Act.

Mr. McFARLANE and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

EVELYN JOTTER

The Clerk called the next bill, H. R. 1541, for the relief of Evelyn Jotter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 10, 17, and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., title 5, secs. 760, 767, and 770; U. S. C., Supp. VII, title 5, sec. 760), are hereby waived in favor of Evelyn Jotter, widow of Walter E. Jotter, late associate forester, United States Forest Service, at San Francisco, Calif., and her case is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if she files a claim for compensation with the United States Employees' Compensation Commission not later than 60 days after the date of enactment of this act.

The disease resulting in the death on July 6, 1931, of the said Walter E. Jotter shall, for the purposes of determining his widow's right to compensation under such act of September 7, 1916, as amended, be held to have been caused by unusually severe strain to which he was subjected while in the performance of his duties.

With the following committee amendment:

That the limitation provisions in section 10, and sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of Evelyn Jotter, widow of Walter E. Jotter, who is alleged to have died as a result of injuries sustained while in the performance of his duties as associate forester, United States Forest Service, between January 10, 1919, and July 6, 1931: *Provided*, That no benefits shall accrue prior to the approval of this act.

The amendment was agreed to; and the bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

G. ELIAS & BRO., INC.

The Clerk called the next bill, H. R. 2674, for the relief of G. Elias & Bro., Inc.

Mr. HOPE, Mr. McFARLANE, and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

WILLIAM LOUIS PITTHAN

The Clerk called the next bill, H. R. 3107, for the relief of William Louis Pitthan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $210 to be paid to William Louis Pitthan, in full satisfaction of his claim against the United States for services rendered as extradition agent in the matter of the application for the extradition from England of Claude W. Daniels.

With the following committee amendment:

Page 1, line 3, strike out "That there is hereby authorized to be appropriated" and insert in lieu thereof the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay."

Page 1, line 6, strike out the words "to be paid."

Page 1, line 10, add the following: ": *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRED HERRICK

The Clerk called the next bill, H. R. 3218, for the relief of Fred Herrick.

Mr. McFARLANE and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

RUFUS HUNTER BLACKWELL, JR.

The Clerk called the next bill, H. R. 3230, for the relief of Rufus Hunter Blackwell, Jr.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rufus Hunter Blackwell, Jr., of Waynesville, Haywood County, N. C., the sum of $15,000, full compensation for injuries sustained by the said Rufus Hunter Blackwell, Jr., on March 11, 1920, due to an air-

plane owned by the United States Government and operated by an officer of the United States Army, while engaged in practice flying at Taylor Field, Montgomery, Ala., striking the said Rufus Hunter Blackwell, Jr., in such a manner and way as to injure the said Rufus Hunter Blackwell, Jr., breaking his right leg and caused him to be permanently injured.

With the following committee amendments:

On page 1, line 7, after the word "of", strike out the words "$15,000, full compensation" and insert in lieu thereof "$2,755.25, in full settlement of all claims against the United States", and on page 2, after line 5, insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN EVANS

The Clerk called the next bill, H. R. 3826, for the relief of John Evans.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,923.69, to John Evans, of St. Joseph, Mo., which sum was paid by him to the United States by reason of the forfeiture of the bail bond of John Waidner, who was later taken into custody by said Evans, at his own expense, and surrendered to the United States District Court of St. Joseph, Mo.; entered a plea of guilty; and sentenced to a term in jail: *Provided*, That no part of the amount appropriated in this act in excess of 10 per cent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 1, line 5, after the word "appropriated", insert the following: "and in full settlement of all claims against the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CAROLINE (STEVER) DYKSTRA

The Clerk called the next bill, H. R. 4428, for the relief of Caroline (Stever) Dykstra.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Caroline (Stever) Dykstra the sum of $500. Such sum shall be in full settlement of all claims against the United States of the said Caroline (Stever) Dykstra on account of damages sustained by her in the extinguishing of her equities in water right no. 2941, known as "House Springs", within the limits of the Hawthorne Naval Ammunition Depot, Hawthorne, Nev.

With the following committee amendment:

On page 2, after the word "Nevada", insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROBERT E. CALLEN

The Clerk called the next bill, H. R. 4567, for the relief of Robert E. Callen.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert E. Callen, of Greenville, Pa., the sum of $2,418.52. Said sum shall be in full settlement of all claims against the United States on account of damages sustained by the said Robert E. Callen, of Greenville, Pa., when he was injured by a United States mail truck in Greenville, Pa., on January 20, 1933.

With the following committee amendment:

On page 1, line 7, after the figures "1933" insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NOBLE COUNTY (OHIO) AGRICULTURAL SOCIETY

The Clerk called the next bill, H. R. 4651, for the relief of the Noble County (Ohio) Agricultural Society.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Noble County (Ohio) Agricultural Society the sum of $1,650. Such sum shall be in full settlement of all claims against the United States for damages sustained by such society on account of the destruction by fire of two barns owned by such society while such barns were being used by the United States Forest Service for the storage of trucks.

With the following committee amendment:

On page 1, line 11, after the word "trucks", insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PATRICK HENRY WALSH

The Clerk called the next bill, H. R. 4942, for the relief of Patrick Henry Walsh.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TRUAX, Mr. McFARLANE, Mr. HOPE, and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

LELA C. BRADY AND IRA P. BRADY

The Clerk called the next bill, H. R. 5041, authorizing and directing the Secretary of the Treasury to reimburse Lela C. Brady and Ira P. Brady for the losses sustained by them by reason of the negligence of an employee of the Civilian Conservation Corps.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lela C. Brady and Ira P. Brady, of Forest Grove, Oreg., the sum of $250 in full satisfaction of their claim against the United States for damages for personal injuries suffered on June 9, 1934, on the Timber-Vernonia highway, 4½ miles north of Timber, Oreg., when the automobile in which said Lela C. Brady and Ira P. Brady were riding was struck by a motor truck owned by the United States and driven by Harvey Wilson, an employee of the Civilian Conservation Corps no. 1313, Camp Reehers.

With the following committee amendment:

On page 2, line 5, after the word "Reehers", insert the following: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONCRETE ENGINEERING CO.

The Clerk called the next bill, S. 931, for the relief of the Concrete Engineering Co.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TRUAX, Mr. McFARLANE, and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

ED SYMES AND ELIZABETH SYMES

The Clerk called the next bill, S. 1012, for the relief of Ed Symes and wife, Elizabeth Symes, and certain other citizens of the State of Texas.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TRUAX, Mr. HANCOCK of New York, and Mr. HOPE objected, and, under the rule, the bill was recommitted to the Committee on Claims.

WILLIAM KELLEY

The Clerk called the next bill, H. R. 2293, for the relief of William Kelley.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army William Kelley shall be held and considered to have been honorably discharged as a private, Company H, First Battalion, Wyoming Volunteer Infantry, on May 16, 1899; but no pension, pay, or bounty shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MACK COPPER CO.

The Clerk called the next bill, H. R. 3075, conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Mack Copper Co.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on War Claims.

WILLIAM J. STANNARD

The Clerk called the next bill, H. R. 2554, for the retirement of William J. Stannard, leader of the United States Army Band.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill (S. 2467) for the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That upon application of William J. Stannard, leader of the United States Army Band, for retirement after 33 years' service, the President is authorized to place him upon the retired list with the retired pay and allowances of a captain of the Army in the fourth pay period (over 17 years' service): *Provided*, That the limitations in section 1 of the act of June 10, 1922, relative to counting service for purpose of pay for officers appointed on and after July 1, 1922, shall not apply: *Provided further*, That all active service as a musician in the United States Army and as leader of the United States Army Band shall be counted in computing length of service for longevity pay purposes.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 2554) was laid on the table.

JAMES T. MOORE

The Clerk called the next bill, H. R. 401, for the relief of James T. Moore.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Military Affairs.

IVAN H. M'CORMACK

The Clerk called the next bill, H. R. 1880, for the relief of Ivan H. McCormack.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue to Ivan H. McCormack, of Alsea, Oreg., a patent for the northeast quarter southwest quarter and the north half southeast quarter section 31, township 14 south, range 8 west of the Willamette meridian, Oregon: *Provided*, That said McCormack shall reconvey to the United States the west half northeast quarter and the southeast quarter northeast quarter of said section 31: *Provided further*, That the patent issued hereunder shall contain a reservation to the United States of the timber on the northeast quarter southwest quarter and the northwest quarter southeast quarter of said section 31, which timber shall remain subject to sale, and the proceeds thereof shall be credited to the "Oregon and California land-grant fund" in accordance with the provisions of the act of June 9, 1916 (39 Stat. L. 218).

SEC. 2. That of $300 paid by McCormack prior to the issuance to him on April 12, 1927, of a patent for the west half northeast quarter and the southeast quarter northeast quarter of said section 31, $200 shall be repaid to him under the provisions of the act of March 26, 1908 (35 Stat. L. 48), and $100 shall be credited as payment on the purchase price of the northeast quarter southeast quarter of said section 31.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. E. CLARK

The Clerk called the next bill, H. R. 796, for the relief of A. E. Clark.

Mr. McFARLANE, Mr. HANCOCK of New York, and Mr. HOPE objected, and, under the rule, the bill was recommitted to the Committee on Claims.

ESTATE OF MILTON L. BAXTER

The Clerk called the next bill, H. R. 2183, for the relief of the estate of Milton L. Baxter.

Mr. COSTELLO and Mr. TRUAX objected, and, under the rule, the bill was recommitted to the Committee on Claims.

CONCRETE ENGINEERING CO.

Mr. EAGLE. Mr. Speaker, I ask unanimous consent to return to Calendar No. 266, the bill (S. 931) for the relief of the Concrete Engineering Co.

The SPEAKER. The gentleman from Texas asks unanimous consent to return to Calendar No. 266. Is there objection?

There was no objection.

The Clerk read the title of the bill.

There being no objection, the Clerk read the bill (S. 931), as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Concrete Engineering Co., of Houston, Tex., in full settlement of all claims against the Government of the United States, the sum of $4,304.61, or so much thereof as may be necessary, to fully refund to said company the difference between the rate of customs duties erroneously assessed and collected from it on steel building forms at Houston, Tex., between February 23, 1926, and September 30, 1927, under paragraph 304 of the act of 1922, and the rate of duty assessed and collected on the same class of merchandise in the same customs district, at Houston, Tex., during the same period, under paragraph 312 of said act, without the knowledge of said company, and which latter rate subsequently was decided to be according to law: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE SOCIAL-SECURITY BILL

Mr. SEARS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a statement concerning the authority of States to meet the requirements of financial participation provided in the social-security bill. This statement was prepared by Mr. Joseph P. Harrin, assistant director of the Committee on Economic Security and a distinguished economist. The statement contains very valuable information on this question.

The SPEAKER. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. SEARS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following statement prepared by Mr. Joseph P. Harrin, Assistant Director of the Committee on Economic Security and a distinguished economist:

STATEMENT CONCERNING THE AUTHORITY OF STATES TO MEET THE REQUIREMENTS OF FINANCIAL PARTICIPATION PROVIDED IN THE SOCIAL-SECURITY BILL

One of the conditions required of States to receive several of the proposed Federal aids in the social-security bill is financial participation by the State government itself. This applies to old-age assistance, aid to dependent children, maternal and child health, and crippled children. The question has been raised as to whether all of the States are able under their constitutions to make financial contributions for these purposes. This brief attempts to answer that question.

1. State expenditures for unemployment relief and mothers' pensions: An examination of the records of the Federal Emergency Relief Administration shows that in 38 States expenditures have been made by the State government for unemployment relief. The legislatures of three other States in recent sessions have made appropriations for unemployment relief out of State funds—Nebraska, North Dakota, and South Dakota. The seven States which have made no expenditure or appropriation are: Florida, Georgia, Mississippi, North Carolina, South Carolina, Vermont, and Virginia. In only one or two of these States is there any legal question as to the constitutional authority of the State to make such expenditure. Mississippi has agreed to make an appropriation at the present legislative session. North Carolina, Vermont, and Virginia are at present contributing State aid to mothers' pensions and have no constitutional problems about State aid for public charity. (See table 18, Report to the President of the Committee on Economic Security. This table was prepared by the U. S. Children's Bureau.)

The fact that 45 States are now contributing to unemployment relief or to mothers' pensions is not necessarily conclusive that such payments are constitutional. Doubtless the question has not been raised in all of the States. Nevertheless, this fact creates a very strong presumption in favor of its legality in these States. The payment of State funds for unemployment relief—a public charity—is so similar in nature to payment for old-age assistance and aid to dependent children that the legal issue involved would appear to be identical.

State expenditures for health measures involved in the aids for maternal and infant health and crippled children is hardly open to any constitutional question in any State. All States have health departments and carry on health activities.

The three States which are not making State expenditures either for unemployment relief or for mothers' pensions are: Florida, Georgia, and South Carolina. Of these only in the State of Georgia does it appear that there are any serious State constitutional questions raised as to the authority of the State to make expenditures for charitable purposes. (See review of Georgia constitutional provisions below.)

2. State financial participation in existing State old-age-assistance laws: Of the 28 States having old-age-assistance laws on January 1, 1935, the following 15 provided for State payment of all or a part of the assistance grants: Arizona, California, Colorado, Delaware, Indiana, Iowa, Maine, Massachusetts, Michigan, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Wisconsin.

The 13 remaining States having old-age-assistance laws did not provide for State support. Of these, however, the following seven States have already amended their old-age-assistance laws this year to provide State support: Maryland, Minnesota (act held invalid by attorney general because of clerical mistake in transmitting bill to Governor), Montana, Oregon, Utah, Washington, Wyoming.

The remaining six States with old-age-assistance laws, which have not been amended so far to provide State support are: Idaho, Kentucky, Nebraska, Nevada, New Hampshire, West Virginia.

Old-age-assistance laws providing for State support are pending in Legislatures of Nebraska and New Hampshire. The Legislatures of Idaho, Nevada, and West Virginia have adjourned. The Governors of Nevada and West Virginia have announced that they would call their legislatures in special session to enact social-security legislation after passage of the Federal bill. The Kentucky Legislature has not met this year. In none of these six States is there any constitutional problem concerning State financial participation in old-age pensions. All have contributed to unemployment relief.

Four additional States—Arkansas, Vermont, Rhode Island, and Connecticut—have enacted old-age-assistance laws for the first time this year. In each State financial support by the State government is provided.

3. Constitutional provisions making poor relief a county function: A number of State constitutions contain provisions similar to the following:

"The county shall provide as may be prescribed by law for those inhabitants who by reason of age, infirmity, and misfortune may have claim upon the sympathy and aid of society." (Florida, art. XIII, sec. 3; Kansas, art. VII, sec. 3; Montana, art. X, sec. 5; Nevada, art. XIII, sec. 3; Oklahoma, art. XVII, sec. 3; and South Carolina, art. XII, sec. 3. In addition, Alabama, art. IV, sec. 88, and Louisiana, sec. 174, have somewhat similar provisions.)

The question may be raised as to whether the constitutional delegation of the function of poor relief to the counties in these States does not operate to prohibit the State government from spending money for this purpose. The fact that six of these States have made State expenditures for unemployment relief indicates that this constitutional provision does not debar the State from providing support for public charity. These States are Alabama, Kansas, Montana, Nevada, Oklahoma, and Louisiana.

The point in question was raised specifically in a recent Kansas case, *State ex rel. Boynton, Attorney General*, v. *Kansas State Highway Commission* (28P (2) 770 (1934)). This was a quo warranto proceeding challenging the authority of the highway commission to borrow $17,000,000 for public construction designed for the relief of the destitute on the ground, among others, that the legislative act was contrary to article VII, section 4, of the Constitution, which states:

"The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age, infirmity, or other misfortune, may have claims upon the sympathy and aid of society."

The court held the act valid, answering this objection in the following words:

"Is the act a valid exercise of the police power of the State? Or, stated more specifically, has the State, through its legislature, power and jurisdiction to provide work for the unemployed, or otherwise care for poor and needy citizens of the State, in view of article VII, section 4, of our Constitution? * * * The provision is not self-executing. * * * There is necessarily vested in the legislature a discretion as to what may be prescribed by law. * * * Our constitution nowhere prohibits the State from making provision by legislative enactment for the care of the poor and needy. To the extent, therefore, that the bill in question attempts to or does furnish relief to the poor and needy it violates no constitutional provision."

This seems to be the only case specifically on this point.

4. State constitutional provisions prohibiting the giving of money or aid to any person, association, or corporations: Such provisions are to be found in the constitutions of the following States: Arizona (art. IX. sec. 7); Louisiana (sec. 58); California (art. IV, sec. 31); Colorado (art. XI, sec. 2); Georgia (art. VII, sec. 16 (1)); Montana (art. XIII, sec. 1); Missouri (art. IV, sec. 46).

These provisions, however, have not been held to prohibit the State from expending money for poor relief. Several other States specifically except the support of the poor from these provisions (North Dakota, South Dakota, Wyoming, and New Mexico). In other States this provision in the constitution is limited to societies, companies, associations, or corporations, and does not enumerate persons. These constitutional provisions were incorporated in the State constitutions in order to prohibit the State from subsidizing private business, rather than with any reference to public charity. Practically all of the States concerned are spending State funds for public charity.

5. State constitutional provisions concerning the granting of pensions: New Hampshire (art. I, sec. 36), and South Carolina (art. III, sec. 32), have constitutional provisions prohibiting State pensions except for military service or other actual service for the State. Maryland (art. III, sec. 59) prohibits the creation of a general pension system. A number of other States specifically authorize pensions to Confederate veterans and their widows, but make no references to other forms of pensions (Texas, art. XVI, sec. 55; Georgia, art. VII, sec. 10; Mississippi, art. XIV, sec. 272; and Louisiana, sec. 303).

The question as to whether the specific prohibition of State pensions except for military and actual service to the State prohibit a State old-age-assistance law was raised in New Hampshire in 1931. The Senate of New Hampshire by resolution asked the Supreme Court to pass upon the validity of a proposed old-age-assistance law. The court in, *In re Opinion of the Justices* (154 Atl. 217, 1931), held that a pension based merely upon age would be invalid, but went on to hold that assistance to needy aged persons was not a pension and consequently was within the powers of the State to provide poor relief. The Court stated:

"The validity of pauper acts has never been assailed. No bounty or reward is paid nor any gratuity given in a constitutional sense which gives to public relief furnished under such acts any nature of characteristics of a pension. It is true that a view may be taken that public support of paupers is gratuitous. The agencies of the State have no express constitutional duty to that end * * *. But the support of paupers has long been an accepted exercise of valid authority under the police power in promotion of the general welfare. No one would think of it as condemned by the Constitution because of some theory of gratuity involved. In avoidance and relief of pauperism the State acts for its own benefit and welfare."

None of the States with constitutional provisions for Confederate veterans have enacted an old-age-assistance law, but it seems very unlikely that such provisions could be interpreted to prohibit old-age assistance. The State of Maryland has had an old-age-assistance law of local application, despite the prohibition of a general-pension system. This year the legislature enacted a mandatory state-wide law, taking the position that old-age assistance is not included in this constitutional prohibition.

6. Limitations on the purpose of State taxes in Georgia: The constitution of Georgia limits the purpose for which State taxes may be levied, as follows:

"Article VII, finance, taxation, and public debt, section 1, paragraph 1: The powers of taxation over the whole State shall be exercised by the general assembly for the following purposes only:

"For the support of State government and the public institutions.

"For educational purposes in instructing children in the elementary branches of an English education only.

"To pay the interest on the public debt.

"To pay the principal of the public debt.

"To suppress insurrection, to repel invasion, and to defend the State in time of war.

"To provide pensions, etc., to veterans of the Civil War."

The State of Georgia has not made any State contributions for unemployment relief on the ground that it is prohibited by its constitution from doing so. This section of the constitution apparently prohibits the State from the payment of old-age assistance. The last session of the legislature passed a constitutional amendment for submission to the electorate of the State to permit the State to spend money for old-age assistance, but the amendment was vetoed.

It would appear that the State of Georgia would be unable to levy taxes for the payment of old-age assistance or aid to dependent children, but this is by no means certain. These activities might well be interpreted as a legitimate part of State government, for which the State may levy taxes. There does not appear to be any specific authorization for the State to levy taxes for highway purposes, yet the State does so and has built a system of State highways. (See also discussion below on State expenditure for administration as satisfying the requirement of the Federal social-security bill.)

7. Meaning of the requirement of "financial participation" by the State: Does the requirement of financial participation by a State require State payment of a part of the assistance grants for aged persons or dependent children? Or could a State qualify by paying a part of the administrative expenses?

It is significant to note that the social-security bill as introduced required substantial financial participation by the State. The word "substantial" has been omitted in the bill as it passed the House of Representatives. The requirement of "financial participation" would be satisfied by any participation, unless it were so small an amount that it were held to be in fact not actual participation. Since the social-security bill merely requires financial participation by the State, not specifying that it shall be for the assistance grants, apparently a State may satisfy the requirement by paying a part of the cost of administration. This would not be prohibited by the constitution of any State, even the Constitution of the State of Georgia. It is, therefore, evident that no State will have any difficulty in meeting the Federal requirement of State financial participation in any of these activities.

THE PRIVATE CALENDAR

ADDIE I. TRYON AND LORIN H. TRYON

The Clerk called the next bill, H. R. 2259, for the relief of Addie I. Tryon and Lorin H. Tryon.

Mr. McFARLANE and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

GEORGE L. STONE

The Clerk called the next bill, H. R. 3737, for the relief of George L. Stone.

Mr. HOPE and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

LAWRENCE S. COPELAND

The Clerk called the next bill, H. R. 4820, for the relief of Lawrence S. Copeland.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of Lawrence S. Copeland for loss and damage resulting from his purchase of a Peerless sedan automobile sold to him April 7, 1930, by Federal prohibition authorities, the possession of which automobile he was compelled by subsequent judicial proceedings to relinquish to its alleged owner, and to allow not to exceed $500 in full and final settlement of all claims arising out of the transaction. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500, or so much thereof as may be necessary, for payment of the claim: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMMETT C. NOXON

The Clerk called the next bill on the Private Calendar, S. 42, for the relief of Emmett C. Noxon.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Emmett C. Noxon, of Johnstown, N. Y., the sum of $1,000. Such sum represents the amount of fine paid by Emmett C. Noxon, pursuant to a conviction for violating certain provisions of the Lever Act of August 10, 1917, as amended, prior to the declaration by the Supreme Court of the United States of the unconstitutionality of such provisions: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out the word "represents" and insert "shall be in full settlement of all claims against the United States for."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REFUND OF TAXES

The Clerk called the next bill on the Private Calendar, S. 279, to extend the time for the refunding of certain taxes erroneously collected from certain building-and-loan associations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That claims for the refunding of any taxes erroneously or illegally assessed or collected from any building-and-loan association, or savings-and-loan association, under the provisions of section 231, paragraph 4, of the Revenue Acts of 1918 to 1926, both inclusive, may be presented to the Commissioner of Internal Revenue not later than 6 months after the passage of this act, and the Commissioner of Internal Revenue is hereby authorized and directed to receive, consider, and determine, in accordance with law but without regard to any statute of limitations, such claims as may have been presented heretofore and not allowed and such claims as may be presented within the period above named, when and where and only when it be found and determined that such taxes were collected upon the erroneous interpretation of the law passed upon and condemned by the United States Supreme Court in the decision rendered in the case of *United States* v. *Cambridge Loan & Building Co.*, reported in 278 United States Supreme Court Reports, page 55: *Provided*, That no interest shall be allowed on any of these claims.

SEC. 2. That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to such claimants as have presented or shall hereafter so present their claims, any amounts allowed in the determination of any claims so defined and which shall have been presented in accordance with this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM CORNWELL AND OTHERS

The Clerk called the next bill on the Private Calendar, S. 535, for the relief of William Cornwell and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,944.25 to the persons whose names appear below, as compensation in full for damages done to their property by the overflow of Turkey River, said damages having been caused by the construction by the Government of a wing dam on Turkey River: William Cornwell, $72; Peter P. Adams, $202.50; Edward Mosier and John Smith, jointly, $165; W. J. Borrett, $90; Joe Graybill, $82; Pat Barry, $186.25; Clarence Wachendorf, $155; George Hefel, $150; John Hefel, Jr., $96.25; Mat J. Adams, $131.25; Leo Ludovissy, $86.50; Joe Ludovissy, $85; Tom Kolker, $75; Earl Wentworth, $70; Henry Meyer, $172.50; and John W. Smith, $125: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN DISBURSING OFFICERS OF THE ARMY

The Clerk called the next bill on the Private Calendar, S. 558, for the relief of certain disbursing officers of the Army of the United States and for the settlement of an individual claim approved by the War Department.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Maj. W. D. Dabney, Finance Department, $106.15; Capt. Francis Egan, Quartermaster Corps, $59.62; Maj. Charles F. Eddy, Finance Department, $68.80; said amounts being public funds for which they are accountable and which comprise minor errors in the computation of pay and allowances due former personnel of the military service and of the National Guard, and which amounts have been disallowed by the Comptroller General of the United States.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Carl Halla, Finance Department, the sum of $3,083.21, said amount being public funds for which he is accountable and which he paid to Lt. Col. Samuel T. Talbott, United States Army, in settlement of a claim approved for household goods lost while in storage at Plattsburg Barracks, N. Y., which claim had been approved by the Secretary of War as required by the act of March 4, 1921 (41 Stat. 1436), and which payment was later disallowed by the Comptroller General of the United States.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Col. Charles A. Romeyn, Cavalry, United States Army, the sum of $24, out of any money in the Treasury not otherwise appropriated, to reimburse him for a like amount paid out by him to the Springfield Hospital, Springfield, Vt., for hospitalization of Reserve Officers' Training Corps student Bertram C. Goodell.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAROLD E. SEAVEY

The Clerk called the next bill on the Private Calendar, S. 581, for the relief of Harold E. Seavey.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Harold E. Seavey, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $150 for damages to the household effects sustained by the said Harold E. Seavey in the storm and seas of January 27–28, 1933, at the Cuckolds Light Station at Newagen, Maine.

With the following committee amendment:

On page 1, line 9, after the word "Maine", insert *"Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEORGE LAWLEY & SON CORPORATION, BOSTON, MASS.

The Clerk called the next bill on the Private Calendar, S. 998, to carry out the findings of the Court of Claims in the case of George Lawley & Son Corporation, of Boston, Mass.

The SPEAKER. Is there objection?

Mr. TRUAX and Mr. COSTELLO objected, and the bill was recommitted to the Committee on Claims.

ESTATE OF ANTON W. FISCHER

The Clerk called the bill (S. 1846) for the relief of the estate of Anton W. Fischer.

Mr. COSTELLO and Mr. TRUAX objected, and the bill was recommitted to the Committee on Claims.

UNION SHIPPING & TRADING CO., LTD.

The Clerk called the bill (H. R. 402) for the relief of the Union Shipping & Trading Co., Ltd.

Mr. COSTELLO and Mr. TRUAX objected, and the bill was recommitted to the Committee on War Claims.

DAVID A. WRIGHT

The Clerk called the bill (H. R. 2713) granting jurisdiction to the Court of Claims to hear the case of David A. Wright.

Mr. TRUAX and Mr. McFARLANE objected, and the bill was recommitted to the Committee on War Claims.

FLORENCE BYVANK

The Clerk called the bill (H. R. 3694) for the relief of Florence Byvank.

Mr. COSTELLO and Mr. McFARLANE objected, and the bill was recommitted to the Committee on War Claims.

WALTER C. HOLMES

The Clerk called the bill (H. R. 2086) for the relief of Walter C. Holmes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit and

close the account of Walter C. Holmes in the amount of $1,448.24, for alleged payment of dual salary to the said Walter C. Holmes for the period from May 1, 1925, to June 30, 1933, being the entire amount paid to him as lamplighter in addition to pay as chief boatswain's mate, United States Coast Guard.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the payments heretofore made to Walter C. Holmes at the rate of $180 per annum for the period of his service in the Lighthouse Service at Ludlam Beach Light Station while he was receiving compensation as chief boatswain's mate in the United States Coast Guard, the combined salaries exceeding the rate of $2,000 per annum, are hereby legalized."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DELAWARE BAY SHIPBUILDING CO.

The Clerk called the bill (H. R. 2087) for the relief of the Delaware Bay Shipbuilding Co.

Mr. COSTELLO and Mr. TRUAX objected, and the bill was recommitted to the Committee on Claims.

ROADS—TARIFFS

Mr. GREEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein certain resolutions of the Florida Legislature.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREEN. Mr. Speaker, under leave to extend my remarks in the RECORD I include the following resolutions adopted by the Legislature of the State of Florida:

House Concurrent Resolution 13

Whereas State road no. 49, running from Raiford, Fla., to and connecting with United States Highway No. 90 at Macclenny, is an existing highway which has been laid out, graded, and so improved as to be included in the designation of State highways in the State of Florida in its State highway system; and

Whereas the location and route of said road is such as to make the same extremely valuable for use as a military road in time of war and for use as a commercial highway: Therefore, be it

Resolved by the House of Representatives of the Legislature of the State of Florida (the Senate concurring), That the Legislature of the State of Florida respectfully calls the attention of the Senators and Representatives of Florida in the Congress of the United States to said State road no. 49, running from Raiford, Fla., to and connecting with United States Highway No. 90 at Macclenny, Fla., and requests the Senators and Representatives in the Congress of the United States from Florida to present to the proper Federal Bureau or Department and to the Congress of the United States the advisability of having said road included in the system of roads in the State of Florida entitled to Federal aid as a military road or otherwise; be it further

Resolved, That a copy of this resolution under the great seal of the State of Florida be forwarded to each of the Senators and Representatives of Florida in the Congress of the United States, to be filed with said Congress of the United States and with the proper Federal Bureau or Department having jurisdiction of matters herein referred to.

Became a law without the Governor's approval.

Filed in office secretary of state May 27, 1935.

House Concurrent Resolution No. 16

Be it resolved by the House of Representatives of the State of Florida in session assembled (the Senate concurring):

Whereas the vegetable growers of Florida are brought into direct competition with the growers of vegetables in Cuba and Mexico; and

Whereas the President of the United States has the right, under the tariff laws of the United States, to raise or lower the tariff rate on crops shipped in from foreign countries; and

Whereas the reciprocal trade agreement between the United States and Cuba on August 24, 1934, permits the importation of Cuban products at the lowest rates during the months when Florida, Texas, and California are heavy shippers of tomatoes, peppers, green peas, egg plants, and cucumbers, and all other vegetables grown, raised, produced, and harvested in the State of Florida, and the Southern States similarly located competing with foreign-grown products: Therefore be it

Resolved, That the house and senate concurring, respectfully and earnestly request the President of the United States to restore the tariff on all imported vegetables to the maximum rates allowed in the reciprocal agreement during the entire year; and be it

Resolved, That a copy of this resolution under the great seal of the State of Florida be forwarded to the President of the United States, Hon. Franklin D. Roosevelt, a copy to the Federal Tariff Commission in Washington, D. C., and a copy to each of the Senators and Representatives in Congress from Florida.

Approved by the Governor May 24, 1935.

House concurrent resolution

Whereas it is a matter of record in both branches of Congress, and in the United States Tariff Commission, that the rates of duty on imports of fresh vegetables provided by the tariff bill of 1930 were arrived at by official research and sworn testimony as merely the difference in cost of growing, processing, and marketing such produce in our American Gulf States as compared with like costs in Cuba and Mexico, thus placing such foreign imports on a level with the domestic production in the markets of the United States; and

Whereas the Florida Agricultural Tariff Association, representing the interests of the Florida growers, packers, and shippers of such winter and early spring grown fruits and fresh vegetables, has consistently and continuously defended, for the past 6 years, numerous attacks on such import rates of duty by both Cuban and Mexican interests; and

Whereas the Florida Agricultural Tariff Association is the only organized body in Florida backed and supported by our farmers, packers, and shippers, and by the State through the legislatures of 1931 and 1933: Now, therefore, be it

Resolved by the House of Representatives of the State of Florida (the senate concurring), We approve of the objects for which the Florida Agricultural Tariff Association is striving and hereby express our confidence in its management, and that it will continue to function to the end that thousands of Florida farmers and thousands of farm laborers may be able to maintain the American standards of living, and to that end pledge it our support; and that copies of this resolution be mailed by the secretary of state of Florida to President Roosevelt, the Secretaries of State, Agriculture, and Commerce, the United States Tariff Commission, chairman of the committee for reciprocity information, and the Florida delegation in Congress.

Approved by the Governor May 24, 1935.

THE PRIVATE CALENDAR

WILLIAM SULEM

The Clerk called the bill (H. R. 2163) for the relief of William Sulem.

Mr. COSTELLO and Mr. TRUAX objected, and the bill was recommitted to the Committee on Claims.

ALBERT W. WRIGHT

The Clerk called the bill (H. R. 3286) for the relief of Albert W. Wright.

Mr. McFARLANE and Mr. TRUAX objected, and the bill was recommitted to the Committee on Claims.

NATHAN A. BUCK

The Clerk called the bill (H. R. 3348) for the relief of Nathan A. Buck.

Mr. TRUAX and Mr. McFARLANE objected, and the bill was recommitted to the Committee on Claims.

JENS H. LARSEN

The Clerk called the bill (H. R. 3573) for the relief of Jens H. Larsen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Jens H. Larsen the sum of $30.50, being the amount of damages incurred to his automobile from snow and ice falling from the roof of the post-office building in St. Paul, Minn.

With the following committee amendments:

Page 1, line 6, after the figures "$30.50", strike out "being the amount of" and insert in lieu thereof "in full settlement of all claims against the United States for."

Page 1, line 9, after the word "Minnesota", strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS F. OLSEN

The Clerk called the bill (H. R. 4822) for the relief of Thomas F. Olsen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General is hereby authorized and directed to credit in the accounts of Thomas F. Olsen, postmaster at De Kalb, Ill., in the sum of $18,687.19. Such sum represents postal funds in the amount of $136.30 and postage-stamp stock in the amount of $18,550.89, which were lost in the burglary of the post office at De Kalb, Ill., on February 10, 1931, from no fault or negligence on the part of the postmaster.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

CAPT. GEORGE W. STEELE, JR., UNITED STATES NAVY

The Clerk called the bill (H. R. 4824) for the relief of Capt. George W. Steele, Jr., United States Navy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of Capt. George W. Steele, Jr., United States Navy, in the sum of $66.45, representing the amount finally disallowed by the Comptroller General in connection with certain payments made by Captain Steele while naval attaché at Paris, France, to Lt. Felix L. Johnson, United States Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

DON C. FEES

The Clerk called the bill (H. R. 4827) for the relief of Don C. Fees.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow in the accounts of Don C. Fees, former disbursing clerk, Department of Justice, the sum of $416.16 paid by him under authority and direction of said Department for the purchase, repair, maintenance, and operation of one motorcycle with side for transportation of freight, which was disallowed by said Comptroller General.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN L. SUMMERS

The Clerk called the next bill, H. R. 4828, for the relief of John L. Summers, disbursing clerk, Treasury Department, and for other purposes.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow in the accounts of John L. Summers, disbursing clerk, Treasury Department, sums aggregating $888.96 now standing as disallowances in his accounts with the General Accounting Office under various Treasury Department appropriations as set forth in House Document No. 342, Seventy-second Congress, first session.

SEC. 2. The Comptroller General of the United States is authorized and directed to allow in the accounts of Frank White and H. T. Tate, former Treasurers of the United States; Guy F. Allen, former Acting Treasurer of the United States; and Robert G. Hilton, former Assistant Treasurer of the United States at Baltimore, Md., the sums of $34,899.70, $92.89, $362.42, and $126.67, respectively, representing unavailable funds as set forth in House Document No. 342, Seventy-second Congress, first session.

SEC. 3. The Comptroller General of the United States is authorized and directed to settle an account to cover the claims of Blanchard Johnson, John Frank Rodzen, and Elizabeth Kennard in the sums of not to exceed $25.74, $26.59, and $126.67, respectively, representing unrecovered amounts due them as referred to on pages —— of House Document No. 342, Seventy-second Congress, first session, and to certify the same to the Secretary of the Treasury for payment.

SEC. 4. The Secretary of the Treasury be, and he is hereby, authorized and directed to adjust discrepancies in certain national-bank note currency accounts in the office of the Comptroller of the Currency, covering the period from April 5, 1912, or immediately prior thereto, to November 21, 1928, as set forth in House Document No. 342, Seventy-second Congress, first session, and the Treasurer of the United States is authorized and directed to charge the sum of $27,680 against his general account with corresponding credit therein to the fund for retirement of national-bank notes established by the act of July 14, 1890 (26 Stat. L. 289; U. S. C., title 12, sec. 122).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WINIFRED MEAGHER

The Clerk called the next bill, S. 38, for the relief of Winifred Meagher.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States Court of Claims to hear, determine, and render judgment upon the claim of Winifred Meagher for damages on account of the death of her husband, Dr. John F. W. Meagher, caused by and as a result of injuries sustained while a visitor at the military camp at Tobyhanna, Pa., on August 23, 1931: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court: *Provided further*, That said suit shall be brought and commenced within 6 months of the date of the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CARMINE SFORZA

The Clerk called the next bill, S. 209, for the relief of Carmine Sforza.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Carmine Sforza, which sum was paid by the said Carmine Sforza to the United States on the bond of Domenico Guerrera: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $500.

With the following committee amendment:

On page 1, line 5, after the word "appropriated", insert "and in full settlement of all claims against the United States."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAS VEGAS HOSPITAL ASSOCIATION

The Clerk called the next bill, S. 416, for the relief of Las Vegas Hospital Association, Las Vegas, Nev.

There being no objection, the Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Las Vegas Hospital Association, Las Vegas, Nev., the sum of $407.80 in full settlement of all claims against the Government on account of expenses incurred by the late Clayton George Hilborn, gunner's mate third-class, United States Navy, for medical treatment from March 31, 1933, to April 11, 1933, while suffering from injuries received in an automobile accident on March 30, 1933, while on leave of absence from the U. S. S. *Tennessee*, with orders to report at Puget Sound, Wash.

With the following committee amendment:

Page 2, line 3, after the word "Washington", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. HANCOCK of New York. Mr. Speaker, we are not prepared beyond this point on this side, and several of the gentlemen on the other side are not prepared beyond this point on the calendar. Therefore I move that we adjourn.

The SPEAKER. Will the gentleman withhold his motion for a moment?

Mr. HANCOCK of New York. I will.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. McCLELLAN, at the request of Mr. DRIVER, on account of the death of his wife.

To Mr. MILLER, at the request of Mr. DRIVER, on account of important business.

To Mr. DEAR, indefinitely, on account of illness.

To Mr. BOLAND, for 2 days, on account of important business.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 371. An act for the relief of G. Elias & Bro., Inc.; to the Committee on Claims.

S. 724. An act for the relief of James T. Moore; to the Committee on Military Affairs.

S. 1138. An act for the relief of Art Metal Construction Co. with respect to the maintenance of suit against the United States for the recovery of any income or profits taxes paid to the United States for the calendar year 1918 in excess of the amount of taxes lawfully due for such period; to the Committee on Claims.

S. 2045. An act for the relief of Stephen Sowinski; to the Committee on Military Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on June 3, 1935, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 65. An act to provide for the establishment of a Coast Guard station on the coast of Virginia at or near the north end of Hog Island, Northampton County;

H. R. 231. An act for the relief of Thomas M. Bardin;

H. R. 285. An act for the relief of Elizabeth M. Halpin;

H. R. 1291. An act for the relief of the Muncy Valley Private Hospital;

H. R. 1492. An act for the relief of Harbor Springs, Mich.

H. R. 2015. An act for a Coast Guard station at the eastern entrance to Cape Cod Canal, Mass.;

H. R. 2689. An act for the relief of Mary Ford Conrad;

H. R. 3073. An act for the relief of William E. Smith;

H. R. 3285. An act authorizing a preliminary examination of the Oswego, Oneida, Seneca, and Clyde Rivers in Oswego, Onondaga, Oneida, Madison, Cayuga, Wayne, Seneca, Tompkins, Schuyler, Yates, and Ontario Counties, N. Y., with a view to the controlling of floods;

H. R. 4528. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River between New Orleans and Gretna, La.;

H. R. 4630. An act for the relief of William A. Ray;

H. R. 4708. An act for the relief of E. F. Droop & Sons Co.;

H. R. 5210. An act to provide funds for cooperation with school district no. 17–H, Big Horn County, Mont., for extension of public-school buildings, to be available to Indian children;

H. R. 5213. An act to provide for cooperation with school district no. 27, Big Horn County, Mont., for extension of public-school buildings to be available to Indian children;

H. R. 5216. An act to provide funds for cooperation with Harlem School District No. 12, Blaine County, Mont., for extension of public-school buildings and equipment to be available for Indian children;

H. R. 5547. An act to extend the times for commencing and completing the construction of a bridge across the Des Moines River at or near St. Francisville, Mo.;

H. R. 6204. An act to authorize the assignment of officers of the line of the Navy for aeronautical engineering duty only, and for other purposes;

H. R. 6315. An act to provide funds for cooperation with the school board at Medicine Lake, Mont., in construction of a public-school building to be available to Indian children of the village of Medicine Lake, Sheridan County, Mont.;

H. R. 6372. An act to authorize the coinage of 50-cent pieces in connection with the Cabeza de Vaca Expedition and the opening of the Old Spanish Trail;

H. R. 6834. An act to revive and reenact the act entitled "An act authorizing Vernon W. O'Connor, of St. Paul, Minn., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Rainy River at or near Baudette, Minn.";

H. R. 6859. An act granting the consent of Congress to the State Highway Commission of North Carolina to construct, maintain, and operate a free highway bridge across Waccamaw River, at or near Old Pireway Ferry Crossing, N. C.;

H. R. 6997. An act authorizing the State of Illinois and the State of Missouri to construct, maintain, and operate a free highway bridge across the Mississippi River between Kaskaskia Island, Ill., and St. Marys, Mo.;

H. R. 7291. An act to extend the times for commencing and completing the construction of a bridge across the Rio Grande at or near Boca Chica, Tex.;

H. R. 7873. An act to give the consent and approval of Congress to the extension of the terms and provisions of the present Rio Grande compact signed at Santa Fe, N. Mex., on February 12, 1929, and heretofore approved by act of Congress dated June 17, 1930 (Public, No. 370, 71st Cong., 46 Stat. 767);

H. R. 7874. An act to change the name of the German Orphan Asylum Association of the District of Columbia to the German Orphan Home of the District of Columbia; and

H. J. Res. 107. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1935, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

The SPEAKER. Does the gentleman insist upon his motion?

Mr. HANCOCK of New York. Only for the reason that our bills have not been written up and we have not had an opportunity to read them. I do not like to interrupt the proceedings, but I feel I should stop the Private Calendar at this time for the reason that we are not prepared beyond this point.

ADJOURNMENT

The SPEAKER. The gentleman from New York [Mr. HANCOCK] moves that the House do now adjourn.

The question was taken, and the motion was agreed to; accordingly the House (at 1 o'clock and 33 minutes p. m.) adjourned until tomorrow, Wednesday, June 5, 1935, at 12 o'clock noon.

COMMITTEE MEETING

SUBCOMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Will hold hearings on H. R. 3263 and other railroad legislation at 10 o'clock Wednesday morning, June 5, 1935, in the committee room of Coinage, Weights, and Measures, 115 old House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

374. Under clause 2 of rule XXIV, a letter from the Chairman and Secretary of the Reconstruction Finance Corporation, transmitting a report of the operations of the Corporation for the first quarter of 1935 and for the period from the organization of the Corporation on February 2, 1932, to March 31, 1935, inclusive (H. Doc. No. 215), was taken from the Speaker's table, referred to the Committee on Banking and Currency, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. CONNERY: Committee on Labor. H. R. 4688. A bill to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of

the blind, and for other purposes; without amendment (Rept. No. 1094). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. House Joint Resolution 288. Joint resolution authorizing the Secretary of Agriculture to pay necessary expenses of assemblages of the 4-H clubs, and for other purposes; with amendment (Rept. No. 1096). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. THOMAS: Committee on Public Buildings and Grounds. H. R. 8004. A bill authorizing the Secretary of the Treasury to execute a quitclaim deed of certain land located in the village of Lyons, N. Y.; without amendment (Rept. No. 1095). Referred to the Committee of the Whole House.

Mr. McREYNOLDS: Committee on Foreign Affairs. H. R. 8224. A bill for the relief of Catherine Grace; without amendment (Rept. No. 1098). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAPES: A bill (H. R. 8344) to extend the time for filing applications for benefits under the World War Adjusted Compensation Act, and for other purposes; to the Committee on Ways and Means.

By Mr. SEARS: A bill (H. R. 8345) authorizing the Secretary of the Navy to accept without cost to the United States certain lands in Duval County, State of Florida; to the Committee on Naval Affairs.

By Mr. WHELCHEL: A bill (H. R. 8346) granting pensions to veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection and the World War, their widows and dependents; to the Committee on Pensions.

By Mr. EDMISTON: A bill (H. R. 8347) to amend title III of the National Prohibition Act, and for other purposes; to the Committee on the Judiciary.

By Mr. TRUAX: A bill (H. R. 8348) to preserve and encourage a declining national institution popularly known as the "circus" which is of great educational and recreational benefit to the people of the Nation, particularly farmers, wageworkers, and small producers; to enable our people, particularly farmers, wageworkers, and small producers, and their children to receive the benefits herein mentioned without being taxed by the Government; to accomplish this end by removing the tax on admissions thereto as provided by section 500 of the Revenue Act of 1926, as amended; to the Committee on Ways and Means.

By Mr. LEMKE: A bill (H. R. 8349) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. WHELCHEL: A bill (H. R. 8350) to restore the 2-cent postage rate on first-class mail; to the Committee on Ways and Means.

Also, a bill (H. R. 8351) to provide allowances for widows and children of World War veterans who died of disability not acquired in the service; to the Committee on World War Veterans' Legislation.

By Mr. SHANLEY: A bill (H. R. 8352) to levy an excise tax of $1 per annum on every person, firm, corporation, or other form of business enterprise engaged in or whose business directly affects commerce among the States or with foreign nations, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEY: Joint Resolution (H. J. Res. 308) to authorize the Secretary of Labor to appoint a board of inquiry to ascertain the facts relating to the stoppage of work on United States Navy cruisers and destroyers in the yards of the New York Shipbuilding Co. at Camden, N. J.; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COCHRAN: A bill (H. R. 8353) for the relief of Fred H. Harrison; to the Committee on Military Affairs.

By Mr. DISNEY: A bill (H. R. 8354) granting a pension to Nancy Ann Francis; to the Committee on Invalid Pensions.

By Mr. HARLAN: A bill (H. R. 8355) granting a pension to Anna Mae Lehman; to the Committee on Pensions.

By Mr. HEALEY: A bill (H. R. 8356) for the relief of Harry Tyler; to the Committee on Military Affairs.

By Mr. KNUTSON: A bill (H. R. 8357) for the relief of George E. Rice; to the Committee on Pensions.

By Mr. QUINN: A bill (H. R. 8358) granting a pension to James H. Riffle; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 8359) granting an increase of pension to Osco L. Robinson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8712. By Mr. BURNHAM: Petition of the Department of California, United Spanish War Veterans, by Frank J. Ziegler, department commander, and A. C. Munson, department adjutant, Los Angeles, Calif., urging early consideration and passage of the House bill 6995, granting pensions to veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, their widows and dependents, and for other purposes (Union Calendar No. 330, Consent Calendar No. 240, House of Representatives); to the Committee on Pensions.

8713. By Mr. COLDEN: Assembly Joint Resolution No. 50, adopted by the Senate and Assembly of the State of California and submitted by the Honorable Frank F. Merriam, Governor of said State, memorializing the President and the Congress to enact House bill 5359, which provides for the creation of a national civil academy; to the Committee on Education.

8714. Also, Senate Joint Resolution No. 10, adopted by the Legislature of the State of California, memorializing the President and Congress to adopt legislation for the employment of jobless citizens in the mining of chromium and tin deposits of the United States; to the Committee on Ways and Means.

8715. Also, Senate Joint Resolution No. 12, adopted by the Senate and Assembly of the State of California and submitted by the Honorable Frank F. Merriam, Governor of said State, memorializing the President and the Congress of the United States to enact House bill 4688, which proposes to aid in the rehabilitation of employable blind persons in the United States and urging the Committee on Labor of the House of Representatives to expedite consideration favorable to said bill; to the Committee on Labor.

8716. Also, Assembly Joint Resolution No. 53, adopted by the Senate and Assembly of the State of California and submitted by the Honorable Frank F. Merriam, Governor of said State, memorializing the President and Congress to enact Senate bill 1952, which proposes to protect the unclassified postal employees people, extending to them a civil-service status; to the Committee on the Post Office and Post Roads.

8717. Also, petition of Paul Henning, Frank G. Findlayson, and 51 other citizens of Los Angeles, Calif., asking that favorable action be taken on House Joint Resolution 167, known as the "Ludlow amendment" to the Constitution of the United States; to the Committee on the Judiciary.

8718. By Mr. FORD of California: Resolution of the Senate and Assembly of California, memorializing the President and the Congress to enact House bill 5359, which provides

for the creation of a national civil academy; also memorializing the President and the Congress to enact Senate bill 1952 and thus protect the unclassified postal employees, extending to them civil-service status; also urging the enactment of House bill 4688, which proposes aid in the rehabilitation of employable blind persons in the United States; to the Committee on Labor.

8719. Also, resolution of the Senate and the Assembly of California, memorializing the President and the Congress to investigate and enact legislation toward the employment of jobless citizens of the United States by Government control and development of chromium and tin deposits of the United States; to the Committee on Ways and Means.

8720. By Mr. RANDOLPH: Petition of the Shirt Workers Union, Amalgamated Clothing Workers of America, Morgantown, W. Va.; to the Committee on Ways and Means.

8721. By Mr. TRUAX: Petition of Dover Lodge, 168, Amalgamated Association of Iron, Steel, and Tin Workers, Dover, Ohio, by their secretary, Ernest W. Bishop, urging that progressive legislation for the protection of labor and fair employers by controlling maximum hours and minimum wages that will hold until a permanent program can be worked out will be enacted; to the Committee on Labor.

8722. Also, petition of International Union of Operating Engineers, Akron, Ohio, by their secretary, N. F. King, urging support of the Wagner-Connery labor-disputes bill; to the Committee on Labor.

8723. Also, petition of Charles A. Bowers and other citizens of Toledo, Ohio, urging support of the Townsend-McGroarty pension bill when it comes up for vote; to the Committee on Ways and Means.

8724. Also, petition signed by 118 members of Cement Workers' Union, No. 18457, White Cottage, Ohio, by their president, K. N. McCoy, urging support of the Wagner-Connery labor relations bill and the Black-Connery 30-hour-week bill, also passage of social-security program; to the Committee on Labor.

8725. Also, petition of International Association of Bridge, Structural, and Ornamental Iron Workers, Dayton, Ohio, by their secretary, Woodford Riley, urging support of the Wagner labor-disputes bill; to the Committee on Labor.

8726. By the SPEAKER: Petition of the Grand Lodge, Brotherhood of Railroad Trainmen, Cleveland, Ohio; to the Committee on Rivers and Harbors.

8727. Also, petition of the Maine State Petroleum Committee, Portland, Maine; to the Committee on Ways and Means.

SENATE

WEDNESDAY, JUNE 5, 1935

(Legislative day of Monday, May 13, 1935)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 4, 1935, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Burke	Donahey	Johnson
Ashurst	Byrd	Duffy	Keyes
Austin	Capper	Fletcher	King
Bachman	Caraway	Frazier	La Follette
Bailey	Carey	George	Lewis
Bankhead	Chavez	Gerry	Logan
Barbour	Clark	Gibson	Lonergan
Barkley	Connally	Glass	McAdoo
Black	Coolidge	Guffey	McCarran
Bone	Copeland	Hale	McGill
Borah	Costigan	Harrison	McKellar
Brown	Couzens	Hastings	McNary
Bulkley	Dickinson	Hatch	Maloney
Bulow	Dieterich	Hayden	Metcalf
Minton	Overton	Sheppard	Tydings
Moore	Pittman	Shipstead	Vandenberg
Murphy	Pope	Smith	Van Nuys
Murray	Radcliffe	Steiwer	Wagner
Neely	Reynolds	Thomas, Okla.	Walsh
Norbeck	Robinson	Thomas, Utah	Wheeler
Norris	Russell	Townsend	White
Nye	Schall	Trammell	
O'Mahoney	Schwellenbach	Truman	

Mr. LEWIS. I announce that the Senator from Mississippi [Mr. BILBO], the Senator from South Carolina [Mr. BYRNES], the Senator from Oklahoma [Mr. GORE], and the Senator from Louisiana [Mr. LONG] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Pennsylvania [Mr. DAVIS] is absent from the Senate because of illness.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

POLITICAL REACTION FROM N. R. A. DECISION—NOTICE OF SPEECH BY SENATOR LEWIS

Mr. LEWIS. Mr. President, I beg to give notice that on Friday, June 7, as early as convenient in the program of the Senate, I shall address the Senate on the political reactions addressed to the President in consequence of the decision of the United States Supreme Court in what is called the "N. R. A. case."

SENATOR FROM NEW MEXICO—CONTEST

Mr. GEORGE. From the Committee on Privileges and Elections I submit a report and ask that it be read by the clerk.

The VICE PRESIDENT. Without objection, the clerk will read, as requested.

The legislative clerk read as follows:

(Rept. No. 793)

The Committee on Privileges and Elections, to which was referred the election contest of *Dennis Chavez* v. *Bronson M. Cutting* for a seat in the United States Senate from the State of New Mexico, hereby dismisses the said contest upon the request of the petitioner and the respondent (by his attorneys, who have filed an answer with certain exhibits). In thus dismissing the contest, the committee deems it proper to say that no evidence has been adduced, and there is nothing in the record which, in any way, reflects, either directly or indirectly, upon the honor or integrity of the late Senator Bronson M. Cutting.

The committee recommends the discharge of all subpenas served upon certain State and county officials of the State of New Mexico in said contest and that said officials be relieved from further response thereto.

Mr. GEORGE. I move the adoption of the report.

Mr. MCNARY. Mr. President, I think the report presented by the Senator from Georgia from the Committee on Privileges and Elections is timely, being, as it is, a complete exculpation of the charges against the late Senator Cutting. I desire to make an inquiry. Does the report meet with the approval of the Republican members of the committee, and is it the unanimous report of the committee?

Mr. GEORGE. It is the unanimous report of the committee. The report was adopted by the full committee, and represents the sentiment of all the members of the committee.

The VICE PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

WILLAMETTE NATIONAL FOREST, OREG.

The VICE PRESIDENT laid before the Senate the amendment of the House to the bill (S. 462) to authorize an extension of exchange authority and addition of public lands to the Willamette National Forest, in the State of Oregon, which was, on page 2, after line 9, to insert:

SEC. 2. Any lands within the above-described area which are part of the land grant to the Oregon & California Railroad Co., title to which revested in the United States under act of June 9, 1916 (39 Stat. 218), shall remain subject to all laws relating to said revested land grant.

Mr. MCNARY. I move that the Senate concur in the amendment of the House.

The motion was agreed to.